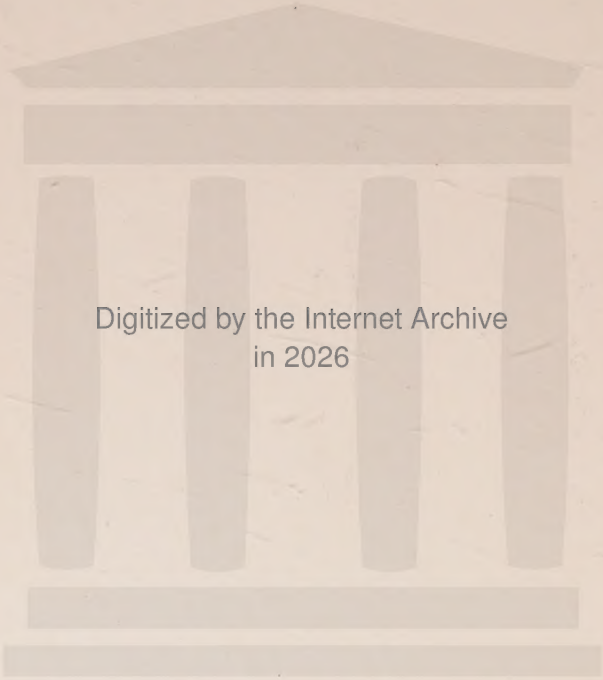
SOME THINGS THAT MATTER

By LORD RIDDELL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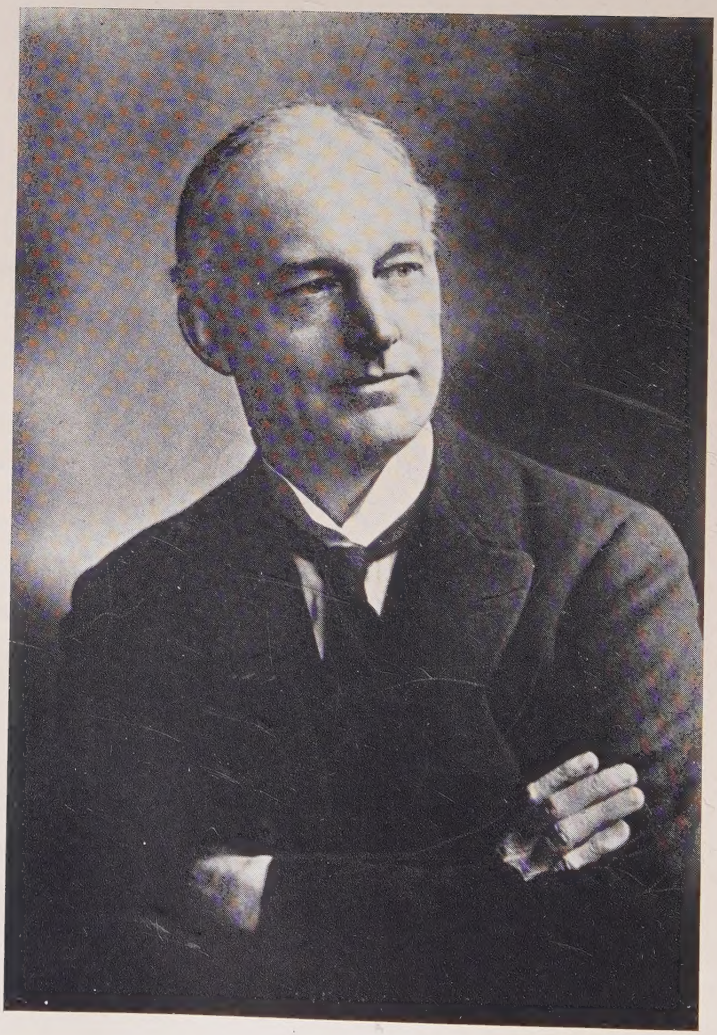
SOME THINGS THAT MATTER

LORD RIDDELL



LORD RIDDELL

SOME THINGS THAT MATTER

BY

LORD RIDDELL

"Knowledge is power."

—LORD BACON

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PREFACE

It has been suggested that I should reproduce in more permanent form a series of articles which I wrote in *John o' London's Weekly*. Hence this book. The later chapters were written in order to give effect to a suggestion made by Lord Morley when speaking at Manchester about fifty years ago, that the best way to learn to reason would be to study the methods adopted in the Law Courts. In these chapters, therefore, I have attempted to describe in popular terms the laws of evidence and, in addition, briefly to outline the laws of thought.

THE AUTHOR

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I: HOW TO CONCENTRATE

SOME THINGS THAT MATTER

I

HOW TO CONCENTRATE

Concentration is the secret of success.
—Ralph Waldo Emerson.

Observation, concentration, and memory are closely allied. Interest is the basis of all three.

If I were to show you a letter, stating that some one had left you twenty thousand pounds, or that your dearest friend had died, or that your best girl had married another, in a flash you would absorb the information, and in after years the details of the incident would remain stamped upon your mind. You would remember not only what the letter said, but what I said, what you said, and where the interview took place. The reason is obvious. The communication would relate to a subject of vital interest.

To put the matter in another way, the brain is like a photographic plate. If there is a suitable light, it vividly records. If the light is dim or from

the wrong angle, the result is an imperfect picture. The inquirer will very likely say, "Life does not consist of receiving letters of the kind indicated. Dramatic incidents are few and far between in the lives of most of us. What is the use of trying to base your conduct on deductions drawn from such rare occurrences? What I want to know is how to learn to concentrate on the ordinary affairs of life. Can the art of concentration be acquired?"

As they say in the House of Commons, the answer is in the affirmative. Given a certain amount of discipline and repetition, the art of concentration for a particular object can undoubtedly be acquired. Most Britons are slow to absorb but tenacious of holding what they get. I am not referring to money, but to ideas. Take an example. A young man enters a merchant's office; a typical young Englishman—I will say nothing about the Scottish and Welsh, who require a different classification. The Scotsman is a born observer and logician—the outcome of generations of theological controversy. The Welshman has imagination and the advantage of village life to bring out the best that is in him for certain purposes. At root the Welsh are a nation of poets, tempered with the shop-keeping instinct.

Let us come back to the English—the backbone of the British race—the nation that has thrown up as many geniuses as perhaps any other race in the world, not excepting the Greeks, the Romans, and

the French. Let us take the typical English boy who goes into a merchant's office—not very well educated, with little general information, and with his mind chiefly directed to game. Watch him being put through the mill, and see him again twenty years hence. You will find him a shrewd, keen man of business, with a profound knowledge of his calling, but probably with little accurate knowledge about anything else, and full of all sorts of odd prejudices—an observant man where his own business is concerned. If he is in the woollen trade he knows at once the value of the suit you are wearing; he knows where the cloth came from and what it is made of. But note: it is easier to learn to concentrate automatically—a slow process—like the young man in the office, than to flog yourself into concentrating on a particular subject. But this can be done by perseverance and taking trouble.

Most of us can concentrate easily on a definite mechanical action—the shifting of a piece of furniture, for example—or upon some definite task, such as writing a letter or learning a piece of verse. The difficulty arises when we have to concentrate upon things which produce no immediate and definite result, such as reading a book or a complicated document. We may think we understand it. We may believe that the task has been well done. There is nothing to show that we have not been concentrating and that we have imperfectly absorbed the contents.

On a larger scale, take the case of two professional men. One has the power of concentration in a more marked degree than the other. One succeeds and the other fails. The failure does not perceive that he is missing his mark owing to deficient concentration. The successful man wears the other down because day in and day out he does his work just a shade better than the other. No great success can be achieved without concentration of two kinds—first, concentration on the main project, and, second, concentration on its details. All the great people of the world, in politics, commerce, or professional work, make everything subordinate to the main purposes of their lives, and when they are at work display extraordinary powers of concentration.

The success of some men bewilders those around them because they never seem to work, or to work for any length of time. Their secret is their power to concentrate, and thus to obtain the maximum of result with the minimum of apparent effort. "Concentration," says Emerson, "is the secret of success in politics, in war, in trade, in short in all the management of human affairs."

Take the lawyer in large practice. He works like a galley-slave, and allows nothing to interfere with the performance of his duties. He is up early and late, rarely dines out, and sees but little of his family. He flies from one Law Court to another and from one class of case to another. Every night

he has to read perhaps half a dozen briefs, each dealing with a different subject. But he has learnt to concentrate because concentration is essential to the conduct of his work. For the time being his mind is absolutely bent on the case in hand.

The habit of concentration grows. That is one advantage of education. The well-educated man is taught to concentrate when he is young. He is taught to assimilate uninteresting subjects. The less educated learn to concentrate, so to speak, by rule of thumb. Eventually concentration in any particular direction becomes automatic. That wonderful friend, the sub-conscious mind, begins to work. When you tie up your shoe-laces apparently you are not paying much attention to the operation, but in fact you are. You are concentrating unconsciously. The same things applies to a lawyer cross-examining a witness. He does not have to say to himself, "Now, pay attention! Take care what you are doing or you may make a horrible blunder!" Subconsciously he brings all his guns to bear, and makes his mind work as hard as it can in order to extract—or obscure—the truth.

As William James says in his interesting little book, "Talks to Teachers on Psychology":—

"The great end of all education is to make our nervous system our ally instead of our enemy. For this we must make automatic and habitual, as early as possible, as many useful actions as we can, and

as carefully guard against the growing into ways that are likely to be disadvantageous."

Concentration is a habit of mind. Men are not born equal in their power of concentration any more than in their power of playing billiards. But up to a point every one can improve his powers in every direction. This is an age of specialists. Remember that concentration is necessary not only to do things, but to select what to do. In these days no one can achieve great distinction unless he concentrates on some one thing. Wisely Sidney Smith said: "Have the courage to be ignorant of a great number of things, in order to avoid the calamity of being ignorant of everything," while Browning teaches, with even more truth, "Who keeps one end in view makes all things serve." Concentration, indeed, is the great liberator. It yields large dividends of leisure. Hazlitt, in his admirable essay "On Application to Study," says: "It is wonderful how much is done in a short space, provided we set about it properly, and give our minds wholly to it. Let any one devote himself to any art or science ever so strenuously and he will still have leisure to make considerable progress in half a dozen other acquirements." He goes on to show how this explains the versatility, or rather the multi-capacity, of men like Leonardo da Vinci and Michael Angelo. If you want to make your work easy, take an interest in it. Extend your interests, but do not extend them too far. It is wonderful

how interest grows by patient continuous application. *When interest is aroused, concentration follows.*

Some time ago I knew a man who had never in his life been to sea. By chance he drifted into the chambers of an Admiralty lawyer and began to look through his briefs. He had no interest in the subject, and knew nothing about naval terms. But gradually he became interested. He began to concentrate, and ultimately ended up as one of the greatest Admiralty lawyers of his day with an enormous practice. I said to one of the highest authorities in the world on a highly technical scientific subject, "How did you become so famous? When you were young were you fond of this sort of thing?" "No," he said, "but I had a scientific bent and I had to earn my living. I tumbled into this subject. It was very trying at first, but I came to like it, and the more I liked it the better I did it. You cannot really concentrate on anything unles you are interested in it. Now I do it for pleasure. It comes easy. It is always in my mind, more or less." In short, practice is the best of all instructors.

There are all sorts of mechanical devices for stimulating concentration. It is not my purpose to endeavour to describe these. For example, certain games of patience are supposed to be effective stimulants. I have never tried any of these schemes. If I was not interested in what I had to do, I tried to

become interested in it. Most pursuits have in them the elements of a game if you only look for them. The illuminating word often shows the way. Most students find law or book-keeping, for example, dull subjects. But if they are lucky enough to meet some one who describes in an interesting and dramatic fashion the principles involved, and what all these more or less dull details are intended to lead up to, or rather the principles which govern them, the subject assumes a vivid interest. If you were to see the pieces of a jig-saw puzzle lying together in a heap, they would have no interest for you. But if you were told that depicted on the pieces were the parts of a picture which you could make up, then each piece would have for you an actual interest, and you would be keen to put them together. It is the same with law or book-keeping.

Because concentration depends on interest it is important to find the key that will make a subject interesting. When I was younger I had for business purposes to summarise Acts of Parliament and other complicated documents. At first I found this heavy work, but when I had attained the necessary degree of concentration the task became a pleasure. I used to time myself in order to see how quickly I could read and summarise a page. Nowadays, if I have a spare half-hour, I often do this for amusement. It is interesting to take one of the Law Reports in *The Times* and to see how quickly and briefly you can set forth the facts and the rea-

sons for the decision. If you bend all your mind to the task, and if you are interested in it, you will find that you can produce a really good bit of work in a very short time. But you will not do this unless you are interested in what you are doing. Many successful people tell you that they hate their jobs, and are always anxious to quit them. Yet in order to succeed they have by dint of perseverance gained the art of concentration on their work. But note: they would work more easily if they were interested in what they were doing.

A lack of concentration is due to inattention. That every one concentrates if he is compelled to do so, is shown by the fact that danger is a great incentive to concentration. The merchant who receives a message calling for an urgent answer concentrates on his reply because he knows that if he neglects to do so he will be a heavy loser. The motor-car driver concentrates on his task because he knows that if he does not do so he will be killed. The soldier concentrates on his drill because he knows that if he does not he will make mistakes and be punished. You are more liable to stray when walking on a wide road than when walking on the edge of a precipice. The difficulty is to concentrate voluntarily and to acquire the concentration habit of mind.

But bear in mind that the powers of concentration are injured by undue attention to self. Excessive vanity or self-pity prevents the mind from

applying itself to its task. Emotions of ambition, self-regard, and anxiety will, of course, play their part; but, as William James points out, they should be confined as far as possible to the occasions when you are making your general resolutions and deciding on your plan of campaign. Their intrusion into the details of our lives prevents us from concentrating on the immediate object in view.

To quote Burns:

> "If self the wavering balance shake
> It's rarely right adjusted."

In conclusion: one of the simplest methods to strengthen concentration is to work out arithmetical sums or mathematical propositions. Quite simple ones will serve the purpose. The addition of a column of figures demands concentrated effort by most people, but when the task becomes automatic it ceases to serve the purpose. Another and more generally useful method is to read a paragraph in a scientific book, such as Darwin's "Origin of Species," and then to attempt to reproduce the contents in writing—not verbatim but in your own words. When you find that you can do this successfully you can try to reproduce the contents of a page and later on a chapter. But a task of this sort cannot be performed satisfactorily unless the result of your work is checked by some one upon whose judgment you can rely. Otherwise you may not perceive that you have misunderstood the

author's meaning or overlooked an important fact or argument.

It must be remembered that concentration is an exhausting mental and physical business for those who are unaccustomed to it. Therefore, to begin with, the strain should not be too prolonged. Attention should be relaxed for a suitable period. In other words the habit should be gradually formed. Brisk vigorous concentration for a quarter of an hour on the first day may be gradually expanded into two hours or more at the end of a month. The essence of concentration is that the full powers of the mind should be centred on the task in hand. A tired mind and body cannot accomplish this to the best advantage, and in the case of children and young persons harm may result from too prolonged efforts.

II: HOW TO OBSERVE

II

HOW TO OBSERVE

> Appearances to the mind are of four kinds. Things either are what they appear to be or they neither are, nor appear to be; or they are, and do not appear to be, or they are not and yet appear to be. Rightly to aim in all these cases is the wise man's task. —EPICTETUS

The maxim is "Pay attention!" Or, in common parlance, "Keep your eyes open!"

Attention is a habit of mind. You can force yourself to pay attention and observe, but if you wish to become an effective, consistent observer you must cultivate the observing habit of mind.

Most people are unobservant except in regard to matters in which they are keenly interested. A girl clerk, without effort and without conscious cerebration, as it is called, will tell you exactly what clothes were worn by other women whom she met at a social function, but the same girl will fail to notice important matters affecting her daily work. Not because she does not wish to do her duty. The reason is that her mind is more alert where it is interested than where it is not.

The truth is that most people are bad observers.

The other evening twelve men, distinguished in various walks of life, were present at a dinner. A discussion arose regarding observation. One of the party produced two "Fishers" from his pocket and folded back the lower part of each note, also the sides, so as to leave exposed only the following words: "Currency Notes are legal tender for the payment of any amount." He handed the notes round, and asked each of those present to say which was the ten-shilling note and which the pound note. Not a single member of the party guessed right. Knowing that ten-shilling notes were green, all assumed that the words printed in green colour belonged to the ten-shilling note. In fact, these words are printed in brown on the ten-shilling note and in green on the one-pound note. He then handed round a packet of Wills's "Gold Flake" cigarettes, and, pointing to the side of the packet which bears the facsimile signature of the makers, he said, "Tell me how many 'h's' there are." Of the twelve diners, only one—a naval officer—discovered that there were two. Every one else answered "One." The second "h" is in the word "the." It is quite easy to see when it is pointed out. Houdin, the great French conjurer, trained himself to observe by special exercises. He would walk past a shop window and, without stopping, notice and memorise as many of the objects displayed in it as he could; then he wrote down a list of them. At first his lists were short, and his walking-pace had

to be slow. But by assiduous practice he was able in one quick glance to notice and afterwards record an incredible number of things, and the faculty of swift observation thus acquired was half the secret of his success as a magician.

Take one more test. Can you accurately write down the colour of the eyes of any dozen people you know? You will find it a difficult task. A written record is a wonderful test of observation. If you want to observe accurately, write down what you see, in the same way as students are required to record the result of their observations. Take some simple article. Examine it closely, and as you examine it write a detailed description of it —such a description as would enable the article to be identified or reproduced. The pen is a wonderful aid to the eye. If you examine and describe an article in this fashion, you will be surprised at what you discover.

A visit to the Law Courts will show how witnesses differ when describing an incident. Most of them do not wish to tell untruths. They are quite honest in what they say. No doubt some of them are influenced by prejudice. They think they saw what supports the side of the case in which they are interested. But most of them are bad observers. This is not peculiar, to witnesses. By way of a test, a professor arranged that during one of his lectures a man should rush into the room, turn round three times, and rush out again. Of course, the students

were taken by surprise. There were forty present —only five gave the correct colour of the man's clothes. All the others were hopelessly wrong.

During the coal stoppage, a meeting took place at the House of Commons at which a number of persons were present. Later a question arose on what one of them had said. Six of those in attendance gave their impressions. They all disagreed, and the speaker himself gave a different version altogether. Some persons have the knack of correctly describing a scene; others what is said; and others the contents of a document. I know a man who can be relied upon to state accurately what a letter, memorandum, or Act of Parliament contains. But he invariably gives an inaccurate account of a conversation. He is perceptive through the eye—not through the ear.

Hearing is as important to observation as sight. Some people have more acute hearing than others. But hearing can be developed in the same way as observation through the eye. Here again the maxim is, "Pay attention! Keep your ears open!" Many persons with indifferent sight are wonderful observers, and see more than others with full sight. They see because they look. Two men may each have a telescope—the one double the power of the other. The man with the higher power instrument sees nothing because he does not use it. The man with the lower power instrument sees much, because he uses what he has.

The Rev. Francis Bashforth, the chief authority on ballistics—that is, the laws governing the action of projectiles—is a good example. His experiments, carried out between 1864 and 1870 with comparatively clumsy apparatus, were so accurate that modern-day scientists with perfect instruments have been able to improve upon them only very slightly. He had a genius for observation and calculation.

From the point of view of seeing and hearing, the man with good sight and hearing has, of course, an advantage over the man with poor sight and hearing. The former can readily see or hear what the other can discover only with difficulty, or perhaps not see or hear at all. But observation is not only a matter of sight and hearing. It depends upon the desire to see and hear and upon knowledge and imagination—knowledge which tells the observer what to look for, and imagination which suggests possibilities for investigation.

It is a mistake, moreover, to suppose that you can safely pass from observation to the drawing of conclusions without a good deal of intermediary thought. Goethe, in one of his "Maxims and Reflections," points out that this was a fault of the Greeks. "What wonderful eyes the Greeks had for many things! Only they committed the mistake of being overhasty, of passing straightway from the phenomenon to the explanation of it, and thereby produced certain theories that are quite

inadequate. But this is the mistake of all times, and still made in our own day." It was the mistake made by "the elderly gentleman of scientific attainments" at Clifton, who mistook the flashes and guiding lights of Mr. Pickwick's dark lantern on his window for "some extraordinary and wonderful phenomenon of nature, which no philosopher had ever seen before." He was not wanting in mere observation; he made notes. A few minutes later he mistook Sam Weller's clenched fist on his nose for an allied phenomenon, and in the end he produced a demonstration that all these effects were the effects of electricity, "which demonstration delighted all the Scientific Associations beyond measure, and caused him to be considered a light of science ever afterwards."

The advantages of good sight and hearing must not, however, be underestimated. Many children do not observe because they cannot see or hear as well as they should. While in Westminster Abbey the other day a friend of mine pointed out a medallion in the distance to his small son. The little boy could not see it. My friend discovered for the first time that his child was short-sighted. A pair of spectacles changed the boy's outlook on life.

Predilections and prejudices are fatal to sound observation. Inquiries conducted by people with strong views are usually unsatisfactory. For example, two women are appointed to inquire into

the state of the drink traffic in a certain district—Mrs. A., a "pussyfoot," with an ardent desire to interfere with other people's habits; and Mrs. B., a believer in moderate drinking and a strong advocate of individual freedom. Mrs. A. reports that the inhabitants are being ruined by drink, and that nothing short of complete prohibition can save the district. Mrs. B. reports that there is very little drunkenness and that all is for the best in the best of all possible worlds. Both parties are quite honest, but neither description is accurate. Usually scientific investigators are not prone to let their personal views interfere with their judgment. But sometimes a scientist is so convinced that his pet theory is right that he marshals facts in such a way as to give it the maximum amount of support. He attaches no importance to what does not suit him, and magnifies the importance of what does. Observation can be influenced even by others, and the observer be made to see what he is told to see. Shakespeare has a famous example of this in "Hamlet."

Hamlet. Do you see yonder cloud that's almost in shape of a camel?
Polonius. By the mass, and 'tis a camel, indeed.
Hamlet. Methinks it is like a weasel.
Polonius. It is backed like a weasel.
Hamlet. Or like a whale?
Polonius. Very like a whale.

Children are sometimes taught to observe by requiring them to describe a number of articles

placed on a tray. After the observers have been looking for so many minutes the tray is covered with a cloth and they are called upon to describe the objects. Sometimes the articles are exhibited only for a few seconds, and after the cloth has been placed on the tray the children are asked to say how many there were. Rudyard Kipling gives a graphic account of this game in "Kim."

The object of education is to train the mind. The same applies to these games. In themselves they have no value. Their only merit is to train the mind to observe things that matter.

Remember that in observation, as in other things, you must consider the object you have in view. If you want to describe a landscape you must not pay too much attention to worm casts. You want to look at the great vistas. On the other hand, if you are going to purchase a field for agricultural purposes, you must pay close attention to the character of the soil. So it is in other matters. You must observe what is important. That, too, is a question of observation—the art of picking out the thing that matters. The power to supply the need is a different quality. Those who are able to see what is required, and who are able to supply the want are sure of success. But the power of observation is half the battle.

Don't try to observe too much. All observation is useful, but no man can observe everything. You must decide upon what is most valuable for your

purpose. As one of the ancients remarked, "The half is often better than the whole"—a saying well worth reflecting upon. In Herbert Spencer's excellent little book on education he says: "The question is not whether such and such knowledge is of worth, but what is its relative worth? Any one who should learn the distances between all the towns in England might in the course of his life find one or two of the thousand facts he had acquired of some slight service when arranging a journey. But every one would admit that there was no proportion between the required labour and the probable benefit." To quote the old song:

> Could a man be secure
> That his days would endure
> As of old, for a thousand long years,
> What things might he know!
> What deeds might he do!
> And all without hurry or care.

But we that have but span-long lives must ever bear in mind our limited opportunities. It is useless to disregard the hard fact that the world cannot exist without work, and that efficiency is essential to human success.

On the other hand, one has to confess that there is a certain pleasure in the casual observation of things that do not matter. Man does not live by bread alone—he likes a little jam with it sometimes. Efficiency is not the only object in life—albeit a very important one. Every one should strive to make his or her life interesting. A keen interest in

what is going on around us is one of the best aids to happiness.

The power of weighing and judging evidence is important, but the doubting habit is to be avoided. There must be a sense of proportion. If a business man is called upon to make, say, twenty decisions in a day, he selects by instinct those which are relatively unimportant, and comes to speedy conclusions, knowing full well the deadly effect of arrears. Nothing is more desirable than the art of picking out the thing that really matters; the knack of going to the heart of a subject. This applies not only to reasoning on specific subjects, but to the conduct of life and business.

The story goes that Lord Chancellor Eldon, a great doubter, had offered to him two country houses in which to spend his summer vacation. He applied his mind to a close comparison between the two. No. 1 was better furnished, had more bedrooms, was easier of access to London, etc. No. 2 was situated in prettier scenery, the library was better, he had more friends in the neighbourhood, etc. He debated the matter so long that the summer passed before he arrived at a decision, no doubt unconsciously influenced by his wife, the most parsimonious of women.

In this connexion note that in the practical affairs of life and business people with plain, simple minds, and a clear, definite objective, are more

effective than those with more diverse interests and more subtle intellects. They know where they want to go, and move forward with a steady, persistent effort. That explains why the stupid often dominate the clever.

III: HOW TO READ

III

HOW TO READ

> Some books are to be tasted, others to be swallowed, and some few to be chewed and digested.
>
> —Lord Bacon

Study and reading are two different things. Some books can be understood only by study. Each chapter must be read over and over again until the student understands it. Each chapter must be epitomised in writing, and the reader must examine himself with a key, or get some one else to examine him, so that he may ascertain what progress he is making. If he is new to the subject he will meet with many words he does not understand. These he must look out in the dictionary. As time goes on he will find that he can grasp the subject without taking so much trouble. For example, take an engineering, law, accountancy, or medical student. When he reads his first technical book he finds difficulty in understanding it. In course of time he can read books relating to his profession with ease, if not with pleasure. It is usually worth while to read a serious book twice and to allow an interval to elapse between the first and second peru-

sals. On a second reading fresh points are often discovered.

All this, however, has much more to do with study than with reading; and, as I have said, these are different things. The tendency to confuse them is at the bottom of a great deal of book-shyness. Study is directed to special, local, and often temporary purposes, and, to be successful, must often be laborious. Reading should also have a purpose, but it is a much wider one. The end of study, broadly speaking, is information; the end of reading is wisdom. Study is concerned with the methods and furniture of life, reading is concerned with life itself in our deepest experience. The distinction is vital, and it was the theme of Matthew Arnold's lecture on "Literature and Science" delivered in America in 1885. He pointed out that Science is confined to the domain of knowledge, and that only very indirectly does this knowledge affect our sense of conduct and our sense of beauty, because it is not knowledge *touched with emotion.* Science is concerned with new inquiries and truths and with the laws of the universe and with the visible progress of all the machinery of life; whereas literature is concerned with conduct, with beauty, with elevation of mind, and with those highest things which are the same to-day, yesterday, and for ever. This is the knowledge which can be derived from Literature as distinct from Science, and from Reading as distinct from Study.

Most great readers have started without any particular system. They read what interested them. Not a bad idea if you understand and remember what you read.

When Lord Avebury, whose chapter on "The Choice of Books" in his "Pleasures of Life" I recommend to you, consulted Charles Darwin on the selection of a course of study, the great naturalist asked him what interested him most, and advised him to choose that subject. In like manner one might advise the young reader to begin by reading what interests him, and then to follow his nose. Lord Sherbrooke went so far as to say: "Form a habit of reading, do not mind what you read, the reading of better books will come when you have a habit of reading the inferior." But Mr. Frederic Harrison, in his admirable essay, "The Choice of Books," rejects this as dangerous advice. You may form the habit of reading trash or second-rate literature and never be able to break it. He would have us choose our books with as much discretion and taste as we choose our friends, and he marvels that men who would not think of choosing their friends in a pot-house are content to pick up with almost any book they "come across." His essay should be read. But, for the ordinary man, milder counsel may be better. Dr. Johnson said that he would let a boy at first read any English book which attracted him, "because you have done a great deal when you have brought him to have some

entertainment from a book." He knew that ordinary men and women do not take to serious reading as ducks take to water. In the ordinary way reading is a recreation. If you are reading for pleasure, do not make your task repulsive. Read books that interest you. You may fancy a particular subject, and you may dislike another. Be on the watch for topics of interest. They are always cropping up. But do not read too much fiction. If you contract the fiction habit you will rarely read anything else. As Mr. Harrison says: "An insatiable appetite for new novels makes it as hard to read a masterpiece as it seems to a Parisian boulvardier to live in a quiet country." The art of reading serious books is not natural to most people. It must be developed or acquired, but the same applies to most recreations—bridge, tennis, golf, billiards, etc. You may not care for a game when you begin, but as you gain proficiency it grows on you, and gradually you become a devotee. So it is with reading serious books. You may not care for them at first, but you acquire the taste, and supply yourself with the means of spending many happy and instructive hours. Sound books are lasting friends, and there is an illimitable supply.

One object of reading is to enable us to understand the art of life. In most cases the conditions of people's lives are imposed by necessity, but most of us can modify them by creating new interests. Books offer infinite possibilities in that direction.

This workaday world is so trying at times,
  Folks chatter and squabble like rooks!
So the wise flee away to the best of all climes,
Which you enter through History, Memoirs or Rhymes,
  That most wonderful Country of Books.

And griefs are forgotten. You go on a tour
  More wondrous than any of "Cook's";
It costs you but little—your welcome is sure—
Your spirits revive in the atmosphere pure
  Of the wonderful Country of Books.

Your friends rally round you. You shake by the hand
  Philosophers, soldiers, and spooks!
Adventurers, heroes, and all the bright band
Of poets and sages are yours to command
  In that wonderful Country of Books.

New heights are explored; and new banners unfurled;
  New joys found in all sorts of nooks—
From the work-weary brain misgivings are hurled—
You come back refreshed to this workaday world
  From that wonderful Country of Books.

Books will help you to take advantage of your opportunities, and has not some one said that the art of life consists in the seizing of opportunities? It must, however, be admitted that while books broaden the outlook, practical experience is the best guide. You require a happy combination of experience and bookwork in the proportion of, say, three to one. Some people have the gift of creating opportunities. They examine the position and strike out in a new line. But this involves powers of initiative comparatively rare. It is, however, within the meanest capacity to sit down quietly and take stock. "What have I done?" "What am I

going to do?" We are all apt to get into grooves. What Matthew Arnold calls "each day's petty dust" obscures our vision. We are so taken up with the detail of life that we fail to mark the progress of time, and perhaps lose great opportunities because we do not look for them.

I have said, "Read what interests you." Always have some topic uppermost in your mind. A chance meeting or conversation may open up a train of inquiry. For example, when I was a youth I heard two men arguing about Cromwell's ancestry. Up to then I had taken no special interest in Cromwell. I had been taught about his public achievements, but knew little of the man. The conversation led me to buy a "Life of Cromwell." I looked up the point which had been discussed. I found the Cromwell family an interesting study. Then I bought a book containing his speeches. Cromwell made me interested in the personalities of Pym and Hampden, so I took an excursion into their lives. If you are interested, try Morley's "Life of Cromwell," Frederic Harrison's "Life of Cromwell," and Goldwin Smith's "Three English Statesmen." It is interesting to follow up a subject. For example, the growth and expansion of the British Empire, getting together such books as Seeley's "Expansion of England," "The Life of William Pitt," by Basil Williams, Lord Rosebery's "Chatham," Macaulay's "Essay on Chatham," "Wolfe and Montcalm," by Parkman, "Clive" in the "British Men of

"Action" series, Macaulay's "Essay on Clive," Mahan's "Sea Power," etc. Or the growth of the modern attitude towards the poorer and industrial classes, taking Morley's "Rousseau," Disraeli's "Sybil," Ruskin's "Unto this Last," and Webb's "History of Trade Unionism."

To be sure, you may not want to draw up a long programme in advance. When you have done so it may frighten and fatigue you in the prospect. But let one book lead you to another. Let it excite your further curiosity along its own lines. If you have read and enjoyed Macaulay's slashing and entertaining essay on Croker's edition of Boswell's "Johnson" you will surely feel the impulse to tackle that great and boundlessly entertaining biography in earnest. A great many people have not read it because they are shy of buying long books and regard the reading of them a solemn and rather tremendous business. They regard large books as they do formidable persons. But break the ice. And try this kind of *chain* reading.

There is much to be said for reading good books about books, I mean those which convey the flavour of fine literature. There have been many such tasters and recommenders. Charles Lamb, William Hazlitt, Walter Bagehot, Ruskin, Edward Fitzgerald (in his letters) and Robert Louis Stevenson—to name a few at random—were such, and so, also, very notably to-day, is Mr. Augustine Birrell.

It may seem a revolutionary statement, but the truth is that, with the exception of specialists, very few people read old books, and very few old books are worth reading, if the reader's opportunities are limited. As a clever person remarked the other day, "Few books have the eternal verities of matter and style." If the ordinary man wishes to read, say, philosophy, he had better get a modern book that will describe the teachings of Hobbes, Locke, Kant, Hume, etc. If he tries to read the originals he will be bored, and will probably fail to grasp the portions of the theories of the various authors which have become incorporated in the mesh of philosophic thought.

It is curious to note the attitudes of different men towards books. When I was young I came into touch with two old lawyers' clerks—both great Shakespeareans. I think they had read nothing else, except a book on costs and Day's "Common Law Procedure Acts." They could quote against each other by the hour. I thought I would take part in the proceedings, but soon found that verbal memorising was not in my line. However, I took to reading Shakespeare pretty closely, and with the aid of Dr. Johnson was able to point out certain things in connexion with their favourite plays which my old friends had never thought of. I made the interesting discovery that, being lawyers' clerks, they fully appreciated the themes of King Lear, Macbeth, and Othello, etc., but they never resolved

the plays into terms of actual existence. They were just plays and nothing else. Love, ingratitude, jealousy, craftiness, ambition, and murder were the ordinary everyday things of life. Shakespeare had made them interesting, but it never occurred to my two old friends that the plays pointed any lessons or that principles gained from books could be applied to the conduct of life. Their lives were shaped entirely on instinct and experience. They took no notice of books, but were strong on certain maxims they had heard enunciated by their fathers, barristers, and others with whom they had come in contact: terse sentences pregnant with worldly wisdom —"Once a rascal, always a rascal," and so on. I have often thought since that the majority of people conduct their lives on the same plan. Some time afterwards I met a clever man who was a keen biologist, philosopher, and political economist. He introduced me to Darwin's "Origin of Species," "The Descent of Man," Mill's "Political Economy," and several books of Herbert Spencer's. He was the antithesis of the lawyers' clerks. His life was compounded of theories. He was always trying to apply the rules laid down by his heroes to commonplace events of life. If he discharged his office boy he would make sage remarks about the survival of the fittest, the transfer of labour to more suitable occupations, and the reversion to type. I cannot say that he was very successful. In short, he was a crank.

Concerning poetry, it must be confessed that most English people are not fond of verse. They regard the reading of it as waste of time, in which respect they differ from the Scottish and Welsh. It is best to begin with something simple—even the "Ingoldsby Legends," or with a good anthology of English verse, containing the star turns, from which you can make your own selection, or with a poem full of lilt and rhythm, but which tells a dramatic story, such as Tennyson's "Revenge."

Sir Walter Raleigh points out, in his life of the poet, that present-day ideas of heaven and hell are based on "Paradise Lost" and "Paradise Regained." You might ascertain whether you agree with him. Poetry is like Opera. At the first go-off the mind is intent on the unfolding of the story and in endeavouring to ascertain the author's meaning. On further acquaintance the hearer, being no longer distracted by these considerations, devotes himself to the real purpose of the entertainment—namely, the enjoyment of the music, which he learns to appreciate for its own sake, irrespective of the drama. The same thing applies to poetry. When the story or meaning has been gathered, the reader is free to devote himself to enjoying the method of expression. Poetry is the language of the emotions. A few lines of verse are more suited to the requirements of the lover, or a man in trouble, than volumes of prose.

HOW TO READ

Some time ago "John o' London" asked me to contribute to a symposium concerning a few books best calculated to form the character of a young man of twenty-one. I thought of suggesting the first chapters of Anson on "Contracts" and Pollock on "Torts" (Wrongs), the first sixty-three pages of Best on "Evidence," Shakespeare, and an anthology of English verse. You will probably say "A strange mixture!" You might say the same thing of life. A man who had read and grasped these books would know:

1. How to judge evidence.

2. His rights and responsibilities in relation to his fellow-citizens.

3. From Shakespeare he would learn a knowledge of the world and human nature, and, in a sense, history, and would develop his sense of honour.

4. The poets would tell him how to enjoy his life, how to admire nature and how to bear his troubles.

Many well-known and successful men contributed to this symposium, and their selections of books which in their experience tend to build up mind and character were very interesting and often curious. In some instances the choice was highly personal, and not such as one would expect, but this only added to the value of the list. Here are a number of typical selections:

Emerson's Essays.

Carlyle's "Sartor Resartus," "Heroes and Hero-Worship," and "Past and Present."

Boswell's "Life of Johnson."

Wordsworth's Works.

The Dialogues of Plato (in Jowett's translation).

Marcus Aurelius.

Maeterlinck's "Buried Temple."

Trevelyan's "Life of Macaulay."

Lockhart's "Life of Sir Walter Scott."

J. S. Mill's "Liberty."

Spencer's "Data of Ethics."

Browning's "The Ring and the Book."

Voltaire's "Candide."

Smiles's "Self-Help."

Shakespeare.

Thucydides.

Charnwood's "Life of Lincoln."

Ruskin's "Sesame and Lilies," "Crown of Wild Olive," and "Unto this Last."

Lessing's "Laocoön."

Prescott's "Conquest of Mexico."

Mrs. Steele's "India throughout the Ages."

Lew Wallace's "Ben Hur."

Devas's "Key to the World."

Cobbett's "Protestant Reformation."

Sir Thomas Browne's "Religio Medici."

Matthew Arnold's "Essays in Criticism" and "Literature and Dogma."

Darwin's "Descent of Man."

Sir Robert Ball's "Story of the Heavens."

Wells's "Outline of History."

Sir E. Ray Lankester's "Science from an Easy Chair," "Diversions of a Naturalist" and "The Kingdom of Man."

Browning's Poems.

Sophocles' Tragedies.

John Morley's "Compromise."

Dean Inge's "Outspoken Essays."

Such a list could be greatly extended.

The art of *rapid* reading is valuable. Few people possess it. But it is useless to read rapidly if you do not follow or cannot remember what you read. The act of quick reading can be acquired by practice. Accountants are quick at reading balance-sheets; lawyers, briefs; sub-editors, the horrible flimsy "copy" which the ordinary individual can hardly read at all. In other words, "practice makes perfect." The brain is a wonderful organiser. When a child learns to read, the mind takes charge of the operation, and puzzles away over A, B, C, etc. But gradually as the little student progresses, the task is handed over to the automatic department in the brain, thus relieving the mind of routine work. The same happens, more or less, in regard to apprehending the contents of written or printed matter. Concentration is necessary for quick and instructive reading. Note the avidity with which

the merchant reads his morning's letters. Nothing escapes him. Then note the change when he reads a book on a subject in which he is but little interested.

IV: THE ART OF PUBLIC SPEAKING

IV

THE ART OF PUBLIC SPEAKING

His words like so many nimble and airy servitors trip about him at command.

JOHN MILTON

The art of public speaking may be divided into two parts—what to say, and how to say it.

A good delivery covers many defects, but no one can hope to become a first-class speaker unless he has something to say that is worth saying. To produce a good speech the speaker must have knowledge, experience, and imagination. If he has humour, so much the better. He must have also a sense of proportion and suitability.

After-dinner and social speaking is one thing; serious platform speaking another; speaking before a deliberative assembly a third; lecturing and preaching a fourth; advocacy a fifth; and finally there is addressing company meetings and trade gatherings. Each type of speaking demands different qualifications and different methods of preparation. A slight occasion such as an after-dinner speech is unsuitable for heavy preparation, and while an after-dinner speaker should go prepared, he should endeavour to adjust himself to the at-

mosphere of the gathering. For a serious occasion a speech should be carefully thought out beforehand. Most of the great speakers spend much time and trouble in preparing their speeches. Some dictate or write them out in full. Then heads for guidance when speaking are carefully prepared. These are usually written on cards or stiff half-sheets of paper, carefully tied together to prevent their escape in the course of the speech. Important passages and the peroration are usually written out fully in the notes.

No absolute rules about preparation can be laid down; so much depends on temperament. John Bright brooded long and painfully over a speech he was about to deliver, but the only part he actually wrote out was his peroration. For he understood the enormous value of that spontaneous understanding which arises between an audience and a good speaker—an exchange of inspiration on the spot. Therefore he prepared only notes for the body of his speech. But he understood also the immense importance of a clean and effective ending. Mr. T. P. O'Connor, one of the best judges of oratory I know, describes this care for the end as a wise precaution. He says: "You may remark in Shakespeare that he often gives a couple of rhymed lines to the actor when he has to leave the stage. That leaving the stage with effectiveness is one of the most difficult things in the world to accomplish; it is like a man trying to get out of a

drawing-room. Similarly the fitting and dignified conclusion of a speech is one of the difficulties of oratory. How often have I heard a man making half a dozen perorations before he found the right one on which he could wind up, as he thought, with grace." The art of sitting down at the right moment applies to every kind of speaking, and, not least, to mere after-dinner speaking. A man who is uncertain of himself would be wise to arrange with his neighbour at a banquet to pull him down violently at the right moment and to leave that moment to his discretion. Speaking is a knack which comes from constant practice, and while the accomplished speaker frequently prepares set speeches, he has the art of thinking on his legs, and, when necessary, can make a creditable performance on the spur of the moment. This introduces that very important element in good speaking—fluency, which does not necessarily mean rapid speaking. It means a command of words equal to the flow of thought. How fluency can be attained is a hard question. The elder and the younger Pitt thought they knew the best way, and many other great orators have adopted their recipe. It is, no doubt, a difficult one, but its effectiveness can hardly be disputed. It is to take a book in any foreign language which you know fairly well, and make free translations from its pages. The book gives you a train of thought; it is yours to supply equivalent English words in elegance and order. Lord Stan-

hope, Pitt's biographer, thus describes the method: "No man had that gift of using in public speaking the right word in the right place; no man carried that gift to a higher degree of perfection, as all parties have owned, than Mr. Pitt. Now my father . . . ventured on one occasion to ask Mr. Pitt by what means—by what course of study—he had acquired that readiness of speech—that aptness of finding the right word. Mr. Pitt replied that whatever readiness he might be thought to possess in that respect he believed he derived very much from a practice his father, the great Lord Chatham, had enjoined on him. Lord Chatham had bid him take up any book in some foreign language with which he was well acquainted—in Latin, Greek, or French for example. He then enjoined him to read out of this work a passage in English, stopping where he was not sure of the word until the right one came, and then proceed. Mr. Pitt states that he had assiduously followed this practice. At first he had often to stop for a while before he could find the proper word; but he found the difficulties gradually disappear, until what was a toil to him at first became at last an easy and familiar task."

Archbishop Magee gave the same advice more briefly, but did not insist on a foreign language. The exercise he prescribed was rapid paraphrase. "Take a passage from some well-known classic author, and render the passage into equivalent words, so as to express the same idea. Thus you

will acquire the power of choosing, of substituting one word for another."

Contrasting the verbal methods of Pitt and Fox, Richard Porson said: "Pitt carefully considered his sentences before he uttered them; Fox threw himself into the middle of his, and left it to God Almighty to get him out again."

Mr. Lloyd George carefully prepares his set speeches, the heads of the arguments being set down in detail on half-sheets of stiff paper and important phrases being written out in full. Mr. Winston Churchill adopts a different practice. He dictates his set speeches in their entirety. Sir Arthur Balfour usually makes a few notes on the back of a large envelope, but often speaks without notes and prepares his arguments while on his legs. Mr. Bonar Law plans his speeches in his head, and never uses notes. Lord Birkenhead more or less adopts the Balfourian method.

A friend of mine told John Bright that he had heard him deliver what my friend thought was his best speech. John Bright smiled and said, "I suppose you refer to the Angel of death." "No," said my friend, "it was the speech you delivered on the Burial Bill." John Bright's eyes lit up and he replied, "You are quite right, but that is not the general opinion. I rehearsed the speech for three days before I delivered it. But," he remarked thoughtfully, "the unpremeditated part was the best. I commenced by saying 'I am glad that the

chief opposition to this Bill has come from the University of Oxford; that ancient seat of learning and—after a pause—undying prejudice.' There are occasions on which it is necessary to lead up to a subject, but sometimes one can capture one's audience immediately by a phrase." He added, smilingly, "I was successful in doing so on that occasion."

Parliamentary debaters have this gift of rapid thought and speech highly developed—the power of rapidly seizing upon and emphasising the weak points in opponents' arguments, and of enforcing the strong points in their own case. Cobden never made notes for his speeches, and prided himself on being able to think and speak in the presence of an audience as if he were writing in his library, but he said that his constant and overruling thought, which long experience of the arts of controversialists had impressed on his mind, was to avoid the possibility of being misrepresented, and to prevent his opponents from raising a false issue. Those who are learning to speak should bear this in mind. They should state their meaning as clearly as possible, both from the point of view of argument and the selection of words.

As we all know, there are occasions on which speakers are anxious to avoid saying exactly what they mean, and to endeavour to leave a loop-hole open for the construction which suits them best when the occasion arises. Arts of this sort are to be

deplored, and happily the conjurer with words, who can make successful use of them, is rare. The clumsy, inexperienced speaker is usually hoist with his own petard. His audience see through the device, and when later on he endeavours to avail himself of his subtle phraseology he finds that his loop-hole was badly chosen, and leads to conviction instead of acquittal.

There are four sorts of speeches:

1. Those which impress the audience, and also the public when read;

2. Those which impress the audience, but read indifferently;

3. Those which do not impress the audience, but which read well; and

4. Those which impress no one.

In the third class no one was more conspicuous than Edmund Burke. His speeches read magnificently, but in the House of Commons he was nicknamed "The Dinner Bell." Sheridan said of him, "When posterity read the speeches of Burke they will hardly be able to believe that, during his lifetime, he was not considered as a first-rate speaker, not even as a second-rate one."

Lincoln's "Gettysburg" speech is one of the most famous orations in the Anglo-Saxon language, and yet we are told that when delivered it made but little impression and was completely over-shadowed by the speech of a "spellbinder."

It may be asked, "In what respect do speeches

differ from a pamphlet or magazine article?" There is an essential difference. Speech has a human element lacking in the written word, because speech is communication between the speaker and his audience face to face. This fact should be ever present to the speaker's mind both when preparing and delivering the speech. People addressed each other by word of mouth long before they wrote. Speech, therefore, is more primitive and human than written matter. Public speaking not only admits but demands characteristics which would be blemishes in compositions intended to be read. The attention of the audience must be held, arguments repeated, and free use made of analogies and illustrations. For this reason good speakers are often bad writers, while good writers are rarely effective speakers. *Au fond,* a speech is a transitory, evanescent, episodic production, depending for its immediate effect not only upon the matter but upon the delivery which enables the great speaker to sway his hearers. From their point of view personality is the thing that counts for most. In written compositions it stands for little or nothing. The quality of the written word is the only thing that matters. The author may be repulsive, but he is invisible. He looks at you only through the printed page. The speaker is judged by what he is or what he appears to be. No man can achieve wide distinction as a speaker unless he can impress an audience face to face. That is the acid test of oratory,

high or low. That is how the speaker makes his reputation.

Every speaker should endeavour to cultivate a good style. He should take care to form his sentences properly—long, tortuous periods should be rigidly avoided. It takes a great orator like Mr. Gladstone to carry through successfully to the end lengthy, involved passages. It must be remembered that style is a question of personality. The mind acquires its most lasting impressions slowly and almost unconsciously. Well-formed sentences and clear expression become a habit, while on the other hand "Evil communications corrupt good manners" and good speeches. The tongue unconsciously adopts the style continually presented to it by the eye or the ear. Many speakers take considerable trouble to maintain their style and keep up their vocabulary. I know one excellent speaker who, for this purpose, reads two chapters of the Bible every night. I regarded him as a devout person until I discovered his reason. I have heard of others who take exercises in the speeches of Mr. Joseph Chamberlain and Mr. Lloyd George.

In order to speak well you must know your subject. Some speakers acquire their information from books, others from experience, and others, the best, from both. It is useless to endeavour to explain how would-be speakers should acquire powder and shot for their speeches. Any such explanation would involve a discussion of the whole question of

education. In short, if a speaker has got very little in his head, he can get very little out of it.

But, when we come to method, speaking has a literature and a tradition all its own. Many of the acutest minds have addressed themselves to ascertain the best method of presenting a case so as to capture the public to which it is desired to appeal. They have studied how to deal with good and bad cases—how to bolster up the latter—how to destroy the former—how to draw the red herring across their opponent's path, and how to persuade the audience to accept fallacies.

Many people who know nothing about rhetoric are full of rhetorical tricks. They know by instinct what to say, what not to say, what to accentuate, when to attack, when to defend, and when to counter-attack.

Rhetoric is a sort of logic adapted for public speaking. A dissertation upon this subject does not come within the scope of the present chapter, but I will endeavour to state briefly a few points of general interest.

Before doing so, it is perhaps important to observe that, apart from elocution, a knowledge of grammar and pronunciation is essential for any person who speaks in public—that is to say, he must speak grammatically, whether he understands grammatical rules or not, and must pronounce his words correctly. It is surprising how many clever men who have made their way in the world make

terrible errors of this sort. Many a fine phrase has been spoiled by an "h" too much or an "h" too little. The strange thing is that many of the offenders do not know that they drop or insert "h's."

Cicero says that the business of logic is to judge of arguments, not to invent them. Some other authority adds that the art of inventing and arranging arguments is the only true province of rhetoric. Some one says that arguments unpolished by rhetoric are like a diamond, which is of small use until it is cut and polished, when its angles send forth flashes of light which arrest and delight every eye. Needless to say, a skilled diamond-cutter is essential, otherwise the stone is spoiled.

Now, in military operations, as the war has shown once more, the arrangement and disposition of the troops are of the greatest consequence. The genius of Foch made all the difference. In speaking the same applies. Much depends on the arrangement of a speech, if the object is to convince, to persuade, or to refute objections. It may be argued that devices of this sort are, or should be, unnecessary in order to establish the truth of vital matters. There may be much to be said for that contention. My only object is to describe, briefly, the plans recommended and used by countless generations of rhetoricians, and which are still in vogue amongst politicians, lawyers, lecturers, preachers, demagogues, and other speakers, as you may easily note if you examine their speeches.

Mr. Bernard Shaw says somewhere that Christ is the greatest of political economists. It might be said with equal truth and without irreverence that He is the greatest of rhetoricians, using the word in the sense above indicated. When the Scribes and Pharisees brought to Him the woman taken in adultery, He confounded them by saying: "He that is without sin among you, let him first cast a stone at her." How much more effective than to say, as an ordinary man would have done, "Begone! You know that you are all sinners and hypocrites!"

Or take the parable of the lilies, bearing in mind that the Lord was addressing the common people: "Consider the lilies how they grow; they toil not, they spin not; and yet I say unto you, that Solomon in all his glory was not arrayed like one of these. If then God so clothe the grass, which is to-day in the field and to-morrow is cast into the oven, how much more will he clothe you, O ye of little faith?"

Note the wonderful skill of these few lines. First the speaker calms and exalts the minds of His hearers by a poetic description which conjures up a beautiful picture. Then He covertly enforces His favourite doctrine that mankind should not be unduly "careful and troubled about many things." The lilies toil not, neither do they spin, and yet they are better clothed than the great ones of the earth with all their wealth and power. Then suddenly He changes the description and reduces the lilies to the rank of grass (but, be it noted, better clothed

than King Solomon), and concludes by pointing out that if the Almighty takes so much care of the grass which to-day is and to-morrow is cast into the oven, how much more will He look after the common people.

All the utterances of Jesus Christ may well be studied from the oratorical point of view. And St. Paul's short address on Mars Hill in Athens is a marvel of oratorical tact and force.

V: MAXIMS FOR SPEAKERS

V

MAXIMS FOR SPEAKERS

> Let your speech be alway with grace, seasoned with salt.
>
> —Epistle to the Colossians

I return to the consideration of the art—or arts—of public speaking.

The refutation of contrary opinions often gives scope for rhetorical tricks. It is a frequent but dishonest practice to make a brief reference at the beginning of a speech to awkward objections, and to promise to deal with them later on. The speaker then proceeds to develop his own case so as to engage the attention of his audience, and conveniently overlooks any detailed performance of his undertaking. You may imagine that no intelligent person would be led away by such a well-known and shallow device. But you are mistaken. The preliminary reference and promise quieten the minds of the audience for the time being, and a powerful statement of the speaker's case, although no real answer to the objections, leads them to accept his view and to pay no further regard to the contrary opinion. A conjurer's audience knows that he will attempt to divert their attention when producing

the rabbit, but it allows itself to be deceived nevertheless. Note that in unskilful hands such a rhetorical method is dangerous. It may be remarked, however, that many people who know nothing of rhetoric are naturally skilful in disposing of arguments in this way—particularly women. Most people mislead in conversation and public speech, by omitting the one fact more. An economy of truth is more common than a profusion of lies.

Generally speaking, when stating a case, the speaker should begin by setting forth the proposition he wishes to advance, and then follow with his arguments; but there is no rule. The speaker must decide for himself in each case. Supposing that a local authority is discussing improved transport facilities, and a member wishes to advocate motor omnibuses in preference to tramways, he can adopt one of two plans. He can begin by declaring his opinion and then give his reasons, or he can commence his remarks by pointing out the disadvantages of tramways, then proceed to indicate the advantages of motor omnibuses, and then declare his opinion. The latter method has the merit of disarming the antagonism which often results when a speaker states an opinion before preparing the minds of his hearers by stating the argument on which it is based. Sometimes it is well to state and answer the arguments which may be made against the proposal advocated by the speaker. One great art in speaking is to pick out the essential points

and to disregard the rest. And it must be remembered that the obvious argument is the one that is most likely to tell. Most people do not like subtle or fantastic reasons.

Another important rule is to keep to the point to which you are addressing yourself. Avoid excursions into other subjects or into other branches of the inquiry. Here it may be remarked that practised speakers sometimes make such interpolations, either to relieve the mind of the audience or to divert their attention from the weakness of the argument. Nothing is more calculated to display such a defect than a consecutive statement. To give a very bald instance: if I set out to prove that black is white, it may be more easy to accomplish the task if in the course of the argument I divert the attention of the audience by referring to the extravagance of the Government in using white instead of black paint.

A speaker should be as brief as possible in his remarks. La Rochefoucauld says that true eloquence consists in saying all that is necessary and nothing but what is necessary. Bear in mind, however, that in most cases repetition is essential. The ordinary man does not care for tabloid arguments. He likes to ruminate. To make him think with you it is necessary to be easy and pleasing. Blaise Pascal, one of the most eloquent men who ever lived, has these wise words: "Eloquence is the art of saying things in such a manner—first, that those to whom they are addressed can understand them without

trouble and with pleasure; and secondly, that they may be interested in them in such a way that their *amour propre* may lead them gladly to reflect upon them. . . . It must confine itself, as far as possible, to the simplicity of nature, and not make great what is small, nor small what is great. It is not enough that a thing be fine, it must be fitting, neither in excess nor defect. . . . Eloquence should prevail by gentle suasion, not by constraint. It should reign, not tyrannise."

The clever speaker thoroughly understands the art of repetition. He knows how to repeat his argument in different terms so as not to bore his audience. In this connexion it may be pointed out that for the immediate purpose the most effective speeches are not always those which are best in form. At the Bar, for example, many successful advocates have been diffuse, and their speeches when read verbatim have been unattractive. On the other hand, some legal speeches are models of style and form. Sir Harry Poland, when at the Bar, was famous for his consecutive statements. One could see the rope coiling round the criminal's neck as he proceeded. The great Lord Erskine understood the value of the leading and oft-repeated idea, or *refrain*. "In every case," says Roscoe, "he proposed a great leading principle to which all his efforts were referable and subsidiary—which ran through the whole of his address, arranging, governing, and elucidating every portion.

The mind does not readily grasp generalities, and men's passions and sympathies are not usually aroused by stating a bare fact. The outstanding incidents must be related. Hence the phrase, "harrowing details." But on some occasions a pregnant sentence is more powerful than a detailed story. It all depends on the occasion and the sentence. The coining of phrases is a gift, but under the stress of emotion quite ordinary people sometimes exhibit remarkable powers in that direction. An oblique statement is often more effective than a direct one.

Shakespeare thoroughly appreciated the arts of rhetoric. Even a schoolboy understands and admires the skill with which Marc Antony stirs up the feelings of the Romans; the crafty way in which he approaches the subject; his studied moderation at the commencement (a common rhetorical trick); the way in which, apparently against his will, his passions are gradually inflamed as he works up his denunciation of the assassins. And yet we all know that had we been there, with full knowledge of the arts of demagogues, we should have shared in the applause and joined in the hunt for Brutus, Cassius, Casca, and company.

Invective, satire, humour, metaphor, etc., are oratorical weapons that demand careful study, but do not try to run before you can walk. Eloquence, like poetry, is a gift. Proceed cautiously when making new excursions. First perfect yourself as

a ruler of hundreds, and you can then promote yourself to be a ruler of thousands.

To be a success the speaker must hold the attention of his audience. The skilful use of the element of surprise is an important factor. Dr. Johnson says that the first purpose of a writer should be to excite restless and unquenchable curiosity, so as to compel the reader to continue to the end. Also a good maxim for a speaker! But even the ablest often admit failure in this respect. The most effective surprise is a happy blend of the old with the new—the building of a new idea on an old foundation, or the dressing of an old truth in a new garment.

Disraeli was a master of the art—one reason why his speeches are such good reading. His point of view was vivacious and unexpected, and he expressed himself in brilliant epigrams. I think it was he who said that satire and invective were the ornaments of debate. Ornamentation, however, requires a skilful artist. His attack on Peel in March, 1845, is not only a fine specimen of invective, but an example of how to excite the curiosity of the audience. This is the speech which contains the famous passage:

"He [Peel] never refers to any author who is not great—Canning, for example. That is a name never to be mentioned, I am sure, in the House of Commons without emotion. We all admire his genius. We all deplore his untimely end; and we

all sympathise with him in his fierce struggle with supreme prejudice and sublime mediocrity—with inveterate foes and with candid friends. The right honourable gentleman may be sure that a quotation from such an authority will always tell. Some lines, for example, upon friendship, written by Mr. Canning, and quoted by the right honourable gentleman! The theme, the poet, the speaker—what a felicitous combination!"

In commenting upon this speech, Mr. Monypenny says:

"We have first the low-level speaking in no way remarkable that makes the preparation; the gradual development of the theme of Peel's disregard of party. Then, when the House has been wrought up to a high pitch of excitement, the sudden descent by the speaker, who is alone grave and unmoved, to the low level again; the feigned humility of his readiness to bow to the rod, and the seeming compliment to Peel's mastery of quotation; Peel nervous and expectant, the House still puzzled; the stealthy approach to the position from which the spring is to be made; the name which is the key-word dropped as if by accident—'Canning, for example'; Peel visibly uncomfortable; the House beginning to be excited; the drawling allusion to Canning's fierce struggle with 'sublime mediocrity'—perhaps aimed at Peel, though all are still doubtful—and 'with candid—friends'—when the pause, the inflection of the speaker's voice, and the direction of his glance,

convert doubt into certainty; and then the culminating blow, 'some lines upon friendship written by Mr. Canning, and quoted by the right honourable gentleman'; and, where a lesser artist would have spoiled all by some crudity of comment, only the restrained, but mordant, words: 'The theme, the poet, the speaker—what a felicitous combination!' "

It remains to say a few words regarding elocution. Speaking is not like public reading or acting. "There is as much eloquence in the tone of voice, in the eyes, and in the air of a speaker, as in his choice of words." He himself is the character on the stage. He is expressing his own thoughts in words selected by himself, and if he wishes to hold the attention of his audience, he must make them feel that he is addressing them in his own fashion. He must think of what he is saying and endeavour to suit the action to the word in his own style, whatever it may be. If he tries to adopt some one else's style he will probably be a failure. In short, he must be natural, but must avoid awkward, ungraceful tricks. An amusing example of ungainliness, and the penalty it brought on a speaker, is recorded by Francis E. Leupp in his "Humours of Congress," as follows: "Probably the shortest speech ever delivered in Congress was made by 'Ben' Butler of Massachusetts. An Ohio member had fallen afoul of him one day, and poured upon him a torrent of abuse which would have excited general indignation, but for an unconsciously ridiculous gesture with which the

orator accompanied almost every alternate sentence; this tempered the disgust of his hearers with mirth. He would raise his arms just as high above his head as possible, and then wring his hands as if he were making a delirious attempt to wring them off. Butler sat through the speech with his eyes half closed, not moving a muscle. He rose when his assailant finished, and stood calmly in the aisle. After perhaps a minute of silence, he began: 'Mr. Speaker!' Another impressive pause, and expectancy reached nearly the bursting-point. Suddenly raising his arms, Butler reproduced exactly the awful gesture of the Ohio congressman. Then his arms fell to his sides, and for another minute he stood silent.

" 'That is all, Mr. Speaker,' he said, finally, and sat down, 'I just wanted to answer the gentleman from Ohio.' "

A speaker must be careful to enunciate clearly and to suit his voice to the size of the audience. Yet he must be careful not to think of himself, his delivery, or his voice, but of what he is saying. It is a good plan, when you begin, to look at the members of the audience farthest away. That leads you in a natural manner to pitch your voice in the right degree. When advising a young actor Sir Henry Irving remarked: "Imagine that in the theatre you have a pal in the back of the pit or gallery. Let him hear every line you have to say. It will make you speak distinctly and correctly." If you speak in-

distinctly it is a good plan to take lessons, not in elocution but in voice production. Most speakers find their hands an encumbrance. They do not know what to do with them. Some grasp the lapels of their coat, some rest the tips of their fingers on the table, some toy with their eyeglasses. Actors often have the same difficulty. Henry Lytton in his "Secrets of a Savoyard" tells how he mentioned this matter to Sir W. S. Gilbert, who at once replied: "Cut them off at the wrists, and forget you've got any hands." First-rate advice, however difficult to follow.

The problem of what to do with the hands is one of the chief causes of nervousness when speaking in public. That is why speakers who are accustomed to speak at a table or desk often fail to do themselves justice when called upon to speak upon an open platform or from benches such as those in the House of Commons. The real orator never remains long in the same position. He continually suits the action to the word in a natural way suitable to his own personality. For most speakers restrained freedom should be the watchword. Cramped, nervous gestures are not attractive, while on the other hand violent declaration is beyond the scope of the ordinary man. To be effective it must be very well done.

To sum up:

(1) If possible, prepare what you have to say.

(2) Suit the speech to the occasion, both as to length and matter.

(3) Be natural. Do not think of yourself, but of what you are saying. Do not strive after effect.

(4) Begin with deliberation and speak distinctly, suiting your voice to the size of the audience. Do not forget the advantage of the pause to enforce important points.

(5) Remember that in speaking, as in other things, a direct mind and a clear objective are invaluable assets. Do not be drawn away by small points, and do not pay too much attention to finesse.

VI: THE USE OF THE DICTIONARY

VI

THE USE OF THE DICTIONARY

> With all thy seeking, wisdom seek.
> To learn well when and what to speak;
> And let thy words be few and sound,
> For life and death in words are found.
>
> —Old Maxim.

At a Washington dinner party my attention was forcibly directed to the difficulty of defining words in common use at short notice without the aid of a dictionary. One of the party, which consisted of journalists, offered to make a small bet with each of the other persons present that he could not within three minutes and without reference to a dictionary write down a definition of the word "time." Most of us took the bet and we all lost it. Try the experiment without reflection. St. Augustine said of time, "What is it? If unasked I know, if you ask me I know not."

The truth is that the haphazard definition of words is no easy matter. Indeed, even after mature consideration most of us would find it difficult to define many of the words we are using every day, to say nothing of those with which we have merely a nodding acquaintance. Recently I noticed that

Mr. W. J. Locke, in his admirable novel "The Mountebank," had launched out into biological phraseology, having used the words "atavism" and "parthenogenesis." As a matter of curiosity I asked several people who had read the book what these words meant. I found that none of them could give me any coherent explanation. Indeed, two of them had not even noticed the words. The inquiring mind in such matters is comparatively rare. Most people use a dictionary chiefly for the purpose of checking their spelling. They seldom consult it in order to ascertain the meaning of words. They think that they understand the meaning of those they use themselves, and don't trouble to inquire about the meanings of words used by other people which they do not happen to understand.

Reasoning depends upon the use of names or marks, and unless we adequately comprehend their definite meanings we cannot hope to reason accurately. It would of course be possible to reason about things without naming them, but this would be a clumsy method. We should rob ourselves of the classifications and enumerations made by mankind as a whole, and should have no means of identifying our own thoughts. Suppose that every time I had occasion to think of an object I had consciously to reassemble all my ideas concerning it, what a burden life would be! The use of a name or

mark brings them all back in a flash. As Professor Bain says: "Thoughts of themselves are perpetually slipping out of the field of immediate mental vision, but the name abides with us and the utterance of it restores them in a moment. Without any formal instruction the language in which we grow up teaches us all the common philosophy of the age. It supplies us with classifications ready made."

For example, suppose I want to draw a distinction between a room and a cupboard; I might achieve my purpose by showing examples of each and explaining their respective uses and characteristics, but I can save myself the trouble by adopting the ordinary definitions. This, however, implies that I and the person with whom I am discussing rooms and cupboards both understand the meanings of the terms, and construe them in the same way. Hence the value of the dictionary which defines the meaning of words, names, or marks as accepted by mankind.

Serious doubts often occur as to technical terms. Probably little short of £100,000 has been spent in law costs with the object of deciding what constitutes a drain and what a sewer, and even now I am told the matter is not free from doubt. In ordinary life it is always well to think of words and to use them in their dictionary sense. This practice leads to continuity of thought and avoids misunderstandings. But it must be remembered that words some-

times possess special meanings for certain purposes. Many Acts of Parliament contain what is known as a definition clause, which provides that for the purposes of the Act certain words shall be construed in a certain sense.

Metaphysicians have had prolonged arguments on the subtle question whether words are the names of things themselves or of our ideas of things, but for practical purposes the point is of small importance. It is, however, well to note that while some names imply the existence of things, others merely signify an idea. Take, for example, the words horse and centaur respectively. The former indicates a real animal with all its attributes, whatever they are in fact, while the latter refers to an imaginary creature whose imaginary qualities depend upon the definition of its name. Crudely put, the name is the animal.

The more precise you want to be the more words you must know, so as to be able to indicate more varieties of the same object with greater precision. But apart from the regions of science a person with a comparatively small vocabulary, who thoroughly understands the signification of the words he uses, and who knows how to use them, is more effective than a person with a larger choice of words, many of which he does not fully appreciate, and whose style is ponderous or involved.

It must be borne in mind that there are dictionaries and dictionaries. In order to understand the

meaning of many words a somewhat elaborate dictionary is necessary. Numerous words possess various meanings, and the meanings of words frequently change from time to time. To gather different shades of meaning it is often necessary to have recourse to an extensive dictionary, such as the monumental and still not quite completed "New English Dictionary," which can be seen in the larger public libraries. With its wealth of quotations it is itself a library. If you examine any page you will be struck by these facts: (1) The extraordinary flexibility and diversity of a large number of words; (2) the extraordinary way in which the meanings of words have been varied by time; and (3) the paucity of the ordinary man's vocabulary.

Some time ago President Wilson caused a sensation by the sense in which he used the word peradventure, and later President Harding threw a small etymological bombshell by using the word "normalcy." Many Americans still think he coined it, but you will find it in "Webster." Clarity of speech has its advantages, but the occasional use of a little-known or inadequately-appreciated word seems to be a useful method of attracting attention to the utterances of the great.

No house, hotel, or ship should be without a good dictionary, but not necessarily a ponderous one. It is an indispensable book. The possession of a dictionary is not, however, sufficient. You must use it. It is a good plan to look up every word you see or

hear, the meaning of which you do not understand. If you resolutely follow this practice you will increase your knowledge by leaps and bounds. But it is only right to point out that sometimes dictionary definitions are not illuminating. For example, the definition of "horse" given in Webster's great and invaluable New International Dictionary of the English Language which has recently been brought up to date, is as follows: "A large perissodactyl ungulate animal domesticated by man since a prehistoric period and used as a beast of burden, or draft animal, or for riding; by extension, any kind of allied extinct species." This kind of definition used to excite satire, and Dr. Johnson was one of its victims. But his defence was easy and cogent. He pointed out that, while it was desirable to explain a word in terms less abstruse than itself, this is often impossible. To define "horse" satisfactorily you would have to use words too plain to admit of a definition, and such words cannot be found. This difficulty explains his famous definition of network; "anything reticulated or decussated with interstices between the intersections." Another and more amusing example of the difficulty of defining the simplest words is the classic story of Plato's definition of man as a two-legged creature without feathers. Diogenes plucked a cock and brought it into the Academy saying, "This is Plato's man."

VII: THE FLY-WHEEL OF CIVILISATION: IMPORTANCE OF HABIT

VII

THE FLY-WHEEL OF CIVILISATION: IMPORTANCE OF HABIT

> All habits gather by unseen degrees,
> As brooks make rivers, rivers run to seas.

To prove the force of habit, William James tells a story of a well-trained soldier who was walking across the barrack square with, I think, a pot of beer in his hand, when the sergeant as a joke called out "Attention!" The soldier dropped the beer and obeyed the word of command. This hardly seems credible. Nevertheless, the extent to which habit rules the world is not appreciated. It is true that from time immemorial the force of habit has been recognised and enshrined in popular proverbs, but, as with other well-known truths, familiarity breeds indifference. Few people take the trouble to examine the details and to ascertain the extent to which habit affects their daily lives. It affects them of course both for good and evil. Habit, as such, is neither good nor bad. It may be a strength or it may be a weakness. "Habit is the nursery of errors," says Victor Hugo, but it is just as true to say, with Hazlitt, that "habit is necessary to give power"; and Bacon joins both views in a single

sentence: "Habit, if wisely and skilfully formed, becomes truly a second nature, as the common saying is; but unskilfully and unmethodically directed it will be, as it were, the ape of Nature, which imitates nothing to the life, but only clumsily and awkwardly."

There are many sorts of habit. The automatic kind, such as the way we walk, the way we talk, the way we hold ourselves, the way we speak, the way we smile or scowl, the way we eat our food, etc. These are partly hereditary and partly acquired by imitation, as in the case of dialects. But we know that most habits of this class can be formed or changed by education. During the war we saw slouching, ungainly men of thirty turned by the drill-sergeant into smart soldiers. It has become a truism to say that children should not be allowed to contract bad types of automatic habits. The substitution of a good for a bad habit involves not only loss of time in life but added nervous strain. The second class may be described as partly automatic. For example, writing, the dexterity of the carpenter or mechanic, or the remarkable power acquired by microscopists, referred to by Herbert Spencer: "To move the object under the miscroscope to the right, the fingers must move to the left, and to move it up they must move down." A more homely example is the dexterity acquired by women in putting hairpins into their hair in front of a looking-glass. All the motions are, of course, re-

versed. If an inexperienced man tried the experiment, he would probably stick the hairpin into his head.

The third class consists of mental habits: concentration or non-concentration; tidiness or untidiness; observation or non-observation; and acquired mental aptitude for particular professions or businesses.

The fourth class comprises habits of life, usually called customs—such as the habit of various classes of the community or of the residents in particular districts to follow certain trades, often unfavourable or dangerous as compared with others, and also the custom which most people have of continuing to reside where their parents lived before them. Customs of this class are valuable, as they help to steady the world, but they have their dangers. A community unduly shackled by custom makes no progress, and revolutions are often caused by the failure of one class to recognise the necessity for changes due to the aspirations of other classes. Without custom civilisation would fall to pieces, but too great rigidity leads to decay or upheaval. The same applies in commerce and industry. Continuity of policy is an asset, whereas slavish adherence to old methods frequently leads to bankruptcy. One of the most striking commentaries upon habit was provided by Arnold Bennett and Edward Knoblock's play, "Milestones," which should be performed regularly for a month every

year to selected audiences of politicians, commercial men, and trade union leaders.

If we consider the extent to which habit governs our actions we can recognize the accuracy of William James's description when he calls it the enormous fly-wheel of civilisation. As said in a former chapter, we should endeavour to make our nervous system our ally and not our enemy by cultivating useful habits and passing over to the automatic side of the brain as many mental operations as possible. The importance of habit arises from the fact that when the brain receives the signal A, the sequence B, C, D and so on follow without further conscious mental effort. That makes life easier and leaves more time and energy for thought and conscious action.

But, like most things, even good habits have their dangers. Habit leads to rigidity. We all know the troublesome old gentleman who is an intolerable nuisance because he is so precise and regards any deviation from his routine as a terrible grievance. His pen must be in its place, so must his slippers; his meals must be served to the minute, etc. Even good habits must be kept in order; the fly-wheel must not be allowed to drive the machine. This is the business of the driver—the mysterious entity we call the "ego"—the sentient thinking being within you that controls your destiny. The driver of the human machine must watch all parts of his engine, physical and mental. Habits have no eyes. They

do not see the danger ahead. That is the driver's duty.

For example, the habit of concentration is valuable, but a man may over-concentrate on business or other matters. It is for the ego to see that balance is preserved. Even the habit of personal cleanliness may be overdone. A person may become so meticulous as to consider two baths and several washings a day essential. Here the ego should step in and exercise its judgment. It should say, "You are making a fool of yourself. You are wasting your time. You are becoming luxurious and pernickety. Look here, Mr. Habit; you must cut down your appropriation of my daily time and energy. You must limit your activities to one bath and so many washings."

Circumstances and customs change, and we must be prepared to modify our habits accordingly. But do not become an introspectionist—a mental valetudinarian—always probing into our own mind and reviewing your habits. Observe other people's habits and try to form a judgment on their desirability or otherwise. Unconsciously that will lead you to do the right thing, or what you think is the right thing. It is a question of judgment and observation. If you notice that a friend stoops, bites his nails, lacks concentration, etc., that will lead you almost unconsciously to examine your own habits and to ascertain whether you suffer from similar

defects. But don't run away with the idea that the same habits suit every one.

Take for example the arrangement of papers. The late Lord Halsbury was famed for the clearness of his mind, and for his power of setting forth complicated facts and arguments in lucid form. If, however, you had seen him in the House of Lords, preparing to deliver judgment, the way in which he handled his papers must have reminded you of a witch stirring her cauldron. You would say to yourself, "What a horrible muddle this old gentleman is going to make of things!" Not at all. He would at once proceed to deliver, often without a note, a most lucid judgment expressed in beautiful language. On seeing this performance, a young man might well say, "Evidently the right way is to keep your papers in a muddle!" We all know that he would be wrong, and that tidiness leads to a tidy mind, and tidy thinking. He would overlook the fact that Lord Halsbury was an exceptional man, with vast experience, and would forget that while scaffolding is necessary for the construction of an edifice, it can be cast away when the building is constructed.

By dint of practice, many great men have learned the art of doing their tidying in their minds. It is there they arrange the facts and arguments, oblivious of the conditions of the papers in which they are expressed. But if you were to make inquiries you would probably find that in their early days they

were methodical. The keeping of papers usually involves physical trouble. Many people, as they grow older, become more energetic mentally and less physically. They hate to be bothered with petty details, but their minds are so trained that they can observe and classify facts and arguments with very little difficulty. The most important thing in life is good judgment. The wise man forms right habits in the right way. But it must be confessed that there are many habits that are not quite good which are very pleasant. For example, smoking. Probably most people would be better if they did not smoke, but those addicted to this habit generally consider the resulting pleasure outweighs the disadvantages. We ought not, however, to humbug ourselves about habits. If we pursue a bad habit because we like it, we may just as well admit that it is bad, and the habit must be kept in check, so that if and when necessary the ego may seize and throttle it. Otherwise it may seize and throttle the ego. Or, to return to William James's metaphor, the fly-wheel may "bust" the machine. As Cicero says, it is a great thing to know our own vices.

Quoting from Professor Bain, William James gives three maxims for acquiring a new habit or leaving off an old one.

One. We must take care to launch ourselves with as strong and decided an initiative as possible. He means that we must accumulate the best pos-

sible conditions to enable us to carry out the resolutions determined upon, so as to make the new way easy. For example, if we want to give up smoking, we must banish tobacco from the house. It may, however, be noted here that there is another and more heroic method—viz., to withstand and to conquer temptation in a glaring form. When M. Clemenceau decided to abandon smoking in the interests of health, he placed an open box of the best cigars he could get on the table in front of him, and left it there for a fortnight, making up his mind firmly that he would not touch a cigar. Being a man of strong will, he "won out," as the Americans say, and has never smoked since. I do not advise this method for ordinary people. Most of us would have found our fingers stealing towards the box.

Two. Never suffer an exception to occur till the new habit is securely rooted in your life. Each lapse is like letting fall a ball of string which one is carefully winding up. A single slip undoes more than many turns will wind again.

Three. Seize the first possible opportunity to act on every resolution you make, and on every emotional prompting you may experience in the direction of the habit you aspire to gain. The actual presence of the practical opportunity alone furnishes the fulcrum upon which the lever can rest, by means of which the moral will may multiply its strength and raise itself aloft. Gestures are no good. Actions are necessary.

VIII: HOW TO THINK

VIII

HOW TO THINK

The mind's the standard of the man.
—Isaac Watts.

It is the mind that makes the man.
—Ovid.

Every one should study the principles of evidence and reasoning. I refer to the method of ascertaining and verifying facts and the inferences to be drawn from them when ascertained. Questions of evidence are continually presenting themselves to every human being. Jeremy Bentham has a nice little passage about this:

"Domestic management turns upon evidence. Whether the leg of mutton now on the spit be roasted enough is a question of evidence; a question of which the cook is judge. The meat is done enough; the meat is not done enough; these opposite facts, the one positive, the other negative, are the principal facts—the facts sought; evidentiary facts, *i.e.,* those on which the principal facts depend, the present state of the fire, the time that has elapsed since the putting down of the meat, the state of the fire at different points during that length of time,

the appearance of the meat, together with other points, perhaps out of number, the development of which might occupy pages upon pages, but which the cook decides in the cook's way, if as by instinct, deciding upon evidence, as Monsieur Jourdain talked prose, without having ever heard of any such word, perhaps, in the whole course of her life.

"Questions in natural philosophy, questions in natural history, questions in technology in all its branches, questions in medicine, are all questions of evidence. When we use the words *observation, experience,* and *experiment,* what we mean is, facts observed, or supposed to be observed, by ourselves or others, either as they arise spontaneously, or after the bodies in question have been put, for the purpose, into a certain situation."

Some people reason accurately by nature, but most think loosely, except, perhaps, in relation to their own business. There are different methods of improving the reasoning powers. You can study mathematics or formal logic, but many persons trained in these subjects are poor reasoners concerning the ordinary affairs of life. This is because they do not try to use the implements at their command. A youth often regards mathematics as a special subject, dealing with imaginary technical symbols and having no relation to other subjects. He does not consciously apply the principles learned to the ordinary questions of life. The same may be said in a less degree of formal logic. One

of the best methods of training the mind is to study the principles of legal evidence.

Burke was of this opinion. He described the law as "science which does more to quicken and invigorate the understanding than all the other kinds of learning put together." (He added, with much sagacity, that "it is not apt, except in persons very happily born, to open and liberalise the mind in exactly the same proportion.") Lord Morley is of the same opinion. He once recommended a study of legal methods of reasoning "to open plain men's eyes to the logical pitfalls among which they go stumbling and crashing, when they think they are disputing like Socrates or reasoning like Newton. They would thus see how a proposition or an expression that looks straightforward and unmistakable is yet on examination found to be capable of bearing several distinct interpretations and meaning several distinct things; how the same evidence may warrant different conclusions, and what kinds of evidence carry with them what degrees of validity; how certain sorts of facts can be proved in only one way, and certain other sorts of facts in some other way; how necessary it is, before you set out, to know exactly what it is you intend to show, or what it is you intend to dispute; how there may be many argumentative objections to a proposition, yet the balance be in favour of its adoption."

All this does not mean that I ask you to go deeply into the law, or to suggest that in order to under-

stand the values of evidence you must make yourself a sort of semi-lawyer. For countless centuries Law Courts have been schools of practical reasoning about practical things. Indeed, in their very nature, they are a nursery of reasoning and a sort of analytical laboratory of evidence, and there is a great deal to be learned from their methods by the average man.

Of course there is no intention to minimise the importance of mathematics and logic as methods of strengthening the reasoning powers. For many purposes, such as scientific investigation, they are indispensable. But for the man engaged in the ordinary avocations of life I recommend a study of the rules of evidence, as they obtain in the Law Courts.

One. Because they relate to the actual affairs of life and are therefore better suited than abstractions for dealing with everyday problems.

Two. Because logic deals with the inferences to be drawn from premises which may be true or false, whereas the lawyer is chiefly concerned in ascertaining what the premises, or to use another word, the facts, really are. I think it was Sir James Mackintosh who said that "Men fall into a thousand errors by reasoning from false premises to fifty they make from wrong inferences from premises they employ."

Three. Because it is easier for the ordinary man who reads only for relaxation to assimilate them.

My object, then, is to supply the information indicated by Lord Morley. In daily life it is impossible to apply the strict legal rules of evidence, but, as I have shown, it is well to bear them in mind. It is also well to remember that many people have a pernicious habit of confusing their inferences and the facts on which they are based. Many false and misleading stories are due to this. Suppose, for example, that Mrs. Brown sees Mr. Jones and Mrs. Smith continually walking and motoring together. Unconsciously applying the theory of probability, she scents a scandal, and thereupon tells Mrs. Tomkins that Mrs. Smith is too intimate with Mr. Jones. In short, Mrs. Brown does not discriminate between her facts and her inferences, which may be erroneous. She does not tell Mrs. Tomkins what she saw. She relates the impression which she derived from what she saw.

To give another example of this wide-spread and insidious habit. Stewart calls on Mackenzie, whom he does not know, and from seeing in the latter s house a number of medical books wrongly assumes him to be a doctor. Stewart is proving too much. He says what he belives to be true, but he has made the blunder of stating as a fact what is only an inference drawn from facts which are capable of grounding more than one inference. He selects the inference that appeals to him, and then communicates it to a listening world as a fact. The

question, How do you know? in a more polite and indirect form is a useful probe.

Lawyers do not deal with abstractions, but with facts—usually interesting in themselves. Apart from actual cases it is amusing to apply principles of legal evidence to literary incidents. Pitt-Taylor's voluminous treatise on Evidence contains numerous references of this sort. In discussing circumstantial evidence he points out how in "Macbeth" Lenox, Macduff, and the other chieftains erroneously assumed that the grooms had murdered the King, because "their hands and faces were all badged with blood, so were their daggers which unwiped we found upon their pillows," and next that "they were suborned" by the King's two sons, who had "stolen away and fled." Again, take Iago's story of the handkerchief which goaded Othello to madness:

IAGO: Have you not sometimes seen a handkerhcief, spotted with strawberries, in your wife's hand?

OTHELLO: I gave her such a one; 'twas my first gift.

IAGO: I knew not that, but such a handkerchief (I am sure it was your wife's) did I to-day see Cassio wipe his beard with.

OTHELLO: If it be that——

IAGO: If it be that, or any that was hers, *It speaks against her, with the other proofs.*

OTHELLO: Oh! that the slave had forty thousand lives—— One is too poor, too weak for my revenge! *Now do I see 'tis true.*

So, when Jacob saw Joseph's coat of many colours, stained with kid's blood, "he knew it, and said, 'It

is my son's coat; an evil beast hath devoured him; Joseph is *without doubt* rent in pieces.' " The student will discover the difference between direct, circumstantial, primary, and secondary evidence. He will find that human reasoning depends upon the detection of similarities and dissimilarities, and the estimation of probabilities. He will find that lawyers do not draw inferences from a fact until it has been proved, in which respect most people are constant offenders. He will also learn that hearsay evidence is not to be trusted, and that the opinion of fanatics corresponds with the apostle's definition of faith—"The substance of things hoped for, the evidence of things not seen."

IX: HOW TO JUDGE THINGS

IX

HOW TO JUDGE THINGS

Who finds the heifer dead and bleeding fresh,
And sees fast by a butcher with an axe,
But will suspect 'twas he that made the slaughter?
Who finds the partridge in the puttock's nest
But may imagine how the bird was dead,
Although the kite soar with unbloodied beak?
—William Shakespeare.

You would doubtless assume that the butcher had killed the heifer, and that, notwithstanding his unbloodied beak, the kite was the delinquent. But both your assumptions might be wrong. The heifer might have been killed by another butcher, and the partridge might have been killed by the kite's mate. To put the matter in legal terms, there would be a *prima facie* case against the butcher or the kite requiring strong evidence to refute it. But there is often the one fact more that makes the difference, and it is unwise to jump to conclusions. However, as Butler said, probability is the guide of life.

Hour by hour you are estimating chances or giving or taking odds. In the morning when you start to catch your train, you know that you can walk to the station in say, ten minutes, and that the train starts in fifteen. The odds are five hundred to one

that you will catch it, but there is the one chance. Something may unexpectedly occur that will prevent you. If you start on a long motor journey you assume that you will reach your destination in a given time, but the odds are much less because the uncertain factors are greater in number. Every commercial venture is based on probability, and in most cases of disputed fact judges and juries have to decide not what is certain, but what is probable.

There is a marked difference between judging things of the past and things of the future. The necessity for relying upon probability in the case of doubtful past happenings, is due to ignorance, which may at any moment be diminished by fresh evidence. In the case of the future, although in many instances past experience enables us to prophesy more or less accurately, yet most prophecies are shots in the dark.

In estimating the value of conflicting evidence, you should assume that most people are truthful. If it were otherwise, the world would become a huge madhouse. Inaccuracy is more common than untruthfulness, and exaggeration or the suppression of awkward facts more frequent than substantive lies. As Lord Brougham said, "Untruthful witnesses usually interlace reality with fiction," or as Tennyson puts it:

> A lie which is half a truth
> Is ever the blackest of lies.

A lie which is all a lie
May be met and fought with outright;
But a lie which is part a truth
Is a harder matter to fight.

Conspiracies to suppress or pervert the truth are common, but most hard swearing is done from a sense of partisanship. You should not lose sight of the fact that human nature is prone to take sides. If a taxicab has a collision the occupants of the cab usually side with the driver, and the residents in a house usually stand by one of their number involved in legal proceedings. This is an amiable quality, but such evidence requires to be discounted. There is another and less likeable type of person who starts with a bias against his own countrymen, his fellowtownsmen, or, generally speaking, those whom he might be expected to support. As W. S. Gilbert describes him:

The idiot who praises with enthusiastic tone
Every century but this and every country but his own.

People of this class have perverted minds, and their evidence demands careful scrutiny.

Prejudice is another fruitful cause of inaccuracy. Most people, you will find, are biased in favour of their own class, and persons who are strong advocates of theories or movements are apt to manipulate facts.

Statistics need to be carefully examined. Take, for example, those relating to drunkenness. Official

figures show certain rates of convictions in different towns, but nothing is said regarding the varying practice of the police in different places in arresting and charging drunken persons or of magistrates in convicting persons charged.

Percentage dodges are common. Most of us know the story of the man who complained to the waiter in an American restaurant about the taste of the sausage he was eating. "It seems rather like horsemeat," he said. "Yes," replied the waiter, "we always make our sausages fifty-fifty (half and half)." "What on earth does that mean exactly?" inquired the bewildered and suspicious customer. "I guess," said the waiter, "one horse to one rabbit."

Adopting the same interesting method, I may say "The ever-increasing popularity of chest-expanders, and of Snook's Chest Expanders in particular, may be judged from the remarkable fact that 50 per cent. of the inhabitants of Bunkumville who use this valuable adjunct to health and personal beauty wear Snook's Expanders, which are undoubtedly the best." That may be true, but I omit to mention that only two persons in Bunkumville wear chest expanders, one of whom is Snooks himself. Fifty-fifty is correct but misleading in this case also. My statement contains two fallacies. One, that the preponderance of the Snooks Expander has any relation to the growing use of expanders in general, and, two, that any reliable de-

duction can be drawn from such inadequate premises.

The following are the most important points to be ascertained in deciding upon the credibility of witnesses: First, whether they have the means of gaining correct information; second, whether they have any interest in concealing the truth or propagating falsehood, and third, whether they agree in their testimony. To this may be added that, in judging doubtful evidence, care should be taken to ascertain whether collateral facts, proved or admitted, tend to confirm it. For example, suppose A alleges that he had an interview with B at a certain time and place. B denies that the interview occurred. C proves that he saw A in the neighbourhood of the alleged place of meeting shortly before the time named by A. If C appears to be an honest witness, his evidence will strengthen A's case.

Proposals have been made by eminent persons for valuing evidence by mathematical methods, in the same way that actuaries prepare life insurance tables. But obviously there is no analogy between the two. Life insurance tables are based on well-established and carefully tabulated facts. From these the actuary draws certain conclusions. In the affairs of ordinary life, or in the Law Courts, the difficulty is to ascertain the facts. As Laplace said, "How can you frame a mathematical formula

when you are dealing with passions, personal interests, and complicated circumstances?"

Many learned people have devoted themselves to the study of probabilities, and there is a considerable literature upon the subject, the details of which are to be found in a recent book by Mr. J. M. Keynes, "A treatise on Probability." Much of this learning deals with mathematical expectation in regard to games of chance, life assurance, and other similar matters, but suggestions have been made for applying the same kinds of calculation to the conduct of life by measuring alternative courses of action. You decide by the measurement of probable results whether a certain step will lead you forward on the strait and thorny path, or whether it will cause you to side-step and go down the broad highway. It is no part of my purpose, however, to deal with these various aspects of probability. My observations are limited to probability, as applied to judging evidence in the Law Courts and in everyday life.

Serious difficulties arise when you are required to decide upon alleged facts which from their nature seem improbable. Where does reasonable belief end and credulity begin? This is one of the eternal problems of humanity by which we are constantly confronted. Our attitude of mind in this respect governs our daily lives and our religious beliefs. A Court of Law accepts the established order of nature at the date of the inquiry, but is ready to

consider evidence of new discoveries pertinent to the issue to be tried. Suppose that one hundred years ago a witness had alleged that he had received a message through the air from a place three thousand miles away. The Court would not have accepted such a statement in the absence of overwhelming proof. But if the necessary evidence had been forthcoming the fact would have been recognised, notwithstanding its antecedent improbability. The credulous do not discriminate between the probable and the improbable, and are prone to accept romantic stories on the faith of inadequate evidence or statements unworthy to be described as such. Distance—in time or place—adds enchantment to the view. A man who would not believe the story of an alleged miracle in his own village will readily accept the narrative of one stated to have occurred in a far-distant country hundreds of years ago.

Instances of inaccurate statements concerning historical events are numberless. Several are collected in Wills's "Circumstantial Evidence." Lord Clarendon relates that the Marquess of Argyll was condemned to be hanged, and that the sentence was performed on the same day. Burnet, Woodrow, and Echard, writers of good authority who lived near the time, state that he was beheaded, and that the sentence was pronounced on Saturday and carried into effect on the Monday following. Different accounts have been given of the movements of

Charles II after his flight from Worcester. Some writers state that he embarked at Brighthelmstone and others at New Shoreham. Some say that Pym died in May, 1643, while others give the following years as the date. Clarendon dishonestly states that Pym died of a loathsome disease, evidently with the idea of propagating the opinion that it was a mark of Divine vengeance, whereas he must have known that the corpse was exposed to public view for several days before interment in order to refute this calumnious statement.

There is a general disposition to attach undue importance to the printed word. People will credit anonymous statements in print which they would not believe if made verbally by people whom they know. Even printed statements that are true are often misleading, because they do not convey the right impression. When you read the account of a breach of promise or divorce case containing a number of passionate, well-expressed, romantic letters, you insensibly associate with the story a fitting hero and heroine—a handsome man and a beautiful woman. Had you been present in the Court, and had you seen the parties and heard the evidence, you would probably have considered the whole business sordid and commonplace.

X: CIRCUMSTANTIAL EVIDENCE

X

CIRCUMSTANTIAL EVIDENCE

> The network of facts . . . may come to nothing, on the other hand it may be absolutely convincing.
> —Lord Coleridge

I have dealt with the general laws of probability. I turn to concrete evidence and the consideration of its values.

A fact may be proved in two ways, (1) by the evidence of witnesses who can speak from personal knowledge, or (2) by inference from other facts satisfactorily established. The former method of proof is called "direct," the latter "indirect" or "circumstantial."

A is charged with murdering B. C and D prove that they saw A stab B. This would be direct proof. On the other hand, suppose that no eye-witness were present. The prosecution prove (1) that A and B had been on bad terms, (2) that A had been heard to say that he would get his own back on B, (3) that A had been seen near the place where the murder was committed at about the time when it took place, (4) that human blood had been found on A' clothes, (5) that he had given a false account of his movements on the day in question. The in-

ference from this body of facts would be that A was the murderer. This would be a case of indirect or circumstantial evidence.

You must understand that although evidence of this class is exclusively associated in the non-legal mind with the administration of the criminal law it is used quite as freely and subject to the same rules in civil cases. Furthermore, many decisions in the ordinary affairs of a man's life depend upon circumstantial evidence. Thus, (1) if mother finds that a pot of raspberry jam in the pantry has been rifled, and (2) if little Willie is discovered with remnants of raspberry jam on his pinafore, and (3) if no raspberry jam has been served out for the use of the nursery, the inference is that little Willie is the culprit. Or—to take an amusing example from Thoreau; "Circumstantial evidence is very strong, as when you find a trout in the milk." Therefore, although we may have no special interest in legal affairs, it is well to understand the principles which govern the valuation of circumstantial evidence.

Before dealing with the comparative values of direct and indirect evidence I will summarise the account of the trial of Madeline Smith, one of the most romantic and notable criminal cases of the last century. It is a good example of a prosecution founded exclusively upon circumstantial evidence, and will help the reader to grasp more readily the characteristics of this method of proof:

CIRCUMSTANTIAL EVIDENCE

At the date of the trial in 1857 Madeline Smith was aged twenty-one, her father being a Glasgow architect of good social position. She was fascinating, well educated, accomplished, and popular with her friends, as will appear hereafter. She possessed an ardent temperament, coupled with remarkable resolution and force of character. She was charged with the murder of a young Frenchman, Emile L'Angelier, to whom she had been introduced two years earlier. Their intimacy had speedily developed, and a secret courtship was followed by an illicit amour, begun in May, 1856. Meanwhile Madeline's parents had become aware of her relations with L'Angelier, and had forbidden her to communicate with him on the ground that his social rank was lower than that of the Smith family. For this, and other and better reasons, they did not regard him as a suitable husband for their attractive daughter.

In January, 1857, Miss Madeline's affections began to cool. Probably believing that she was about to become a mother, she became engaged to a man much older than herself, but in other respects desirable. During her lovemaking with L'Angelier she had written him some eighty letters of a passionate and compromising character, some grossly indecent, but all expressing the intensity of her devotion. They are difficult to describe. In February, 1857, she told L'Angelier of her altered feelings, and asked him to return her correspondence. He declined. He said she was his wife, as perhaps she was according to Scotch law. He threatened to show her letters to her father and to her new lover.

On February 8 she made a frantic appeal to L'Angelier not to dishonour her, and denying the engagement to the other man she proposed a resumption of relations with L'Angelier. He gladly assented. It had been her custom on convenient occasions to admit him to her father's house after the family had gone to bed, and, before his departure, to make him coffee or cocoa early. In the same month, February, she had attempted to buy prussic acid.

L'Angelier visited her on February 11, and was taken seriously ill on his return home. On the 18th Madeline purchased arsenic openly in her own name, but under false pretences as to its intended use. On the 22nd L'Angelier paid her another visit and was again taken seriously ill. On March 6

Madeline purchased still more arsenic. L'Angelier visited her yet again with the same sequel.

Then she writes to him calling him to come to her once more. This letter plainly shows her powers as a correspondent. If she murdered him, what a terrible commentary on human nature!

"Why, my beloved, did you not come to me? Oh, beloved, are you ill? Come to me, sweet one. I waited and waited for you, but you came not. I shall wait again to-morrow night at the same hour and with the same arrangement. Do come, sweet love, my own dear love of a sweetheart, come beloved and clasp me to your heart. . . . Come and we shall be happy. A kiss and fond love. Adieu! with tender embraces

"Ever believe me to be your own ever dear fond

"MIMI."

On March 22 L'Angelier, only too eager, went to visit her, returned home seriously ill, and died in a few hours.

She had purchased still more arsenic on March 18, and the post-mortem showed that death was due to this drug, of which a large quantity was found in the body. But Madeline's letters were her undoing. On being interrogated, she denied she had seen L'Angelier for three weeks before his death. The evidence for the defence showed that some years earlier the deceased had spoken about the use of arsenic, and had then had arsenic in his possession. It was also suggested that Miss Smith had bought the drug for complexion purposes. The jury found the verdict "Not Proven." During the trial the prisoner exhibited an undaunted and defiant attitude, and with perfect composure searched every corner of the Court with her great fierce dark eyes.

She afterwards married, had children, and lived to be eighty.

I believe some people will say that Madeline Smith had a lucky escape; but, a pretty woman is often lucky in Law Courts as well as elsewhere, particularly when she has nerves of steel and a constitution of Scotch granite.

If you carefully examine this case (there is a full report in the "Notable British Trials" series), you will see that the evidence was entirely circumstantial, and was built up on the motive, the purchases of poison, and the illnesses of the deceased following on his visits.

The comparative values of direct and circumstantial proof have been much discussed. In the earlier parts of the last century, when the public took more interest in legal subjects than they do now, it was common to hear even working men eagerly debating whether murder convictions should be allowed exclusively on circumstantial evidence. To-day the question has ceased to be of interest. It should, however, be stated that the arguments concerning circumstantial evidence were not all on one side. Bentham, who by his writings did so much to improve the administration of the law, contended that circumstantial was to be preferred to direct evidence. The contention was that witnesses may lie, whereas circumstances never do. This means, in other words, that proof of a main fact by a chain of subsidiary facts is more reliable than the evidence of witnesses who testify to the main fact of their own knowledge. Four persons are in a room—A, B, C, and D. B stabs A, and conspires with C to charge D with the crime. If the conspiracy is well devised D may easily be convicted. Or to take another instance of the danger of direct evidence. Many innocent persons have suffered

owing to wrong identification. Mistakes of this sort are easily made. The criminal is seen by the witnesses for a few minutes only. Later suspicion falls on some person who is arrested and put up for identification. Meanwhile the witnesses have been privately questioned by the police as to the characteristics of the man who committed the crime. Was he wearing a cap? Had he a moustache? Was he sallow-faced? etc., etc. These inquiries lead the mind insensibly to form definite in place of doubtful conceptions, and when a person is produced who fills the bill the witnesses are apt to say "Thou art the man."

There have been numerous cases of mistaken identity. One of the most notable in recent years is that of Mr. Beck, thus described in Best "On Evidence":

"In 1877 a man who called himself John Smith was convicted at the Old Bailey for frauds on women. His methods were to introduce himself as Lord Willoughby, a nobleman of wealth, with an establishment in St. John's Wood, and offer the position of mistress to his victim. He would then suggest that she would require a new outfit, write out an order on some well-known tradesman at whose shop she was to purchase what was required, and give her a cheque on a non-existing bank, as the Bank of London. He would then on some pretext borrow some article of jewellery, with which he decamped. He was sentenced to five years' penal servitude, but released on licence in April, 1881.

"Towards the end of 1894 the police received complaints from various women of similar frauds, and in December, 1895, a woman met Mr. Beck in Victoria Street, and charged him with having robbed her, though he protested that he had never seen her before. A large number of the women who had

complained to the police were then given opportunities, in the ordinary way, of seeing Mr. Beck, to ascertain whether they could identify him as the man who had defrauded them. Of these many with varying degrees of confidence testified against him at the police-court, and he was committed for trial at the Westminster Police-Court, tried at the Old Bailey in March, 1896 (his main defence being that the real offender was the man convicted in 1877, and that he was not that man) and sentenced to seven years' penal servitude. He petitioned at once, and frequently afterwards, but without success, for a reopening of the case on the ground of its being one of mistaken identity. He was released on licence in 1901—and in April, 1904, was again arrested on a charge similar to those on which he had been convicted in 1896. He was tried before Mr. Justice Grantham, and again convicted, both of the offences charged and of having been convicted of similar offences in 1896. Mr. Justice Grantham, however, having misgivings upon the case, postponed sentence till the next session, and none was ever pronounced, as in the meantime the arrest of the ex-convict Smith on similar charges, based on acts committed while Mr. Beck was in custody, led to further inquiries and the consequent release and pardon of Mr. Beck in respect of both the 1896 and 1904 convictions. Smith was soon afterwards tried before Mr. Justice Phillimore, and sentenced on September 15, 1904, to five years' penal servitude. It was impossible that Smith and Mr. Beck could have been the same person, as Smith was circumcised and Mr. Beck was not. Mr. Beck was doubly pardoned; and £5,000 compensation awarded to him by the Treasury."

But notwithstanding all defects in direct evidence, judges very properly regard it as superior to circumstantial evidence. Happily few cases depend exclusively upon direct or indirect evidence. A combination of the two is usually available. Circumstantial like direct evidence depends upon the truthfulness of witnesses, and, in addition, the Court is required to draw an inference from the

facts proved in order to arrive at a decision. If the prosecution endeavours to establish by circumstantial evidence that A murdered B the Court must not only satisfy itself that the facts alleged have been proved, but also that they justify the inference (*i.e.* show) that A committed the crime. Cases based exclusively upon circumstantial evidence are regarded with caution, because of the tendency of mankind to form theories, and when formed to endeavour to support them by emphasising convenient facts or by excluding those that are inconvenient. Judge Pitt Taylor, in his remarkable book on "Evidence," says:

> In truth, the only "circumstances which cannot lie" are those which *necessarily* lead to a certain conclusion. Who is to decide on this necessity? Clearly those who have also to decide on the fact in issue. Besides, these very circumstances must be proved, like direct facts, by witnesses, who are equally capable with others of deceiving or being deceived. In no sense, therefore, is it possible to say that a conclusion drawn from circumstantial evidence can amount to absolute certainty, or, in other words, that circumstances cannot lie.

"Uncle Remus" contains a striking instance of the fallibility of circumstantial evidence. When Brer Rabbit stole the butter intended for the lunch of himself and the other animals who were harvesting, in order to conceal the theft he smeared some of the butter upon the whiskers of Brer Possum, who was sleeping after his labours. Brer Rabbitt then raised the hue and cry that some one had stolen

the butter. Naturally, suspicion fell on Brer Possum, who was unjustly convicted of the crime.

The rules regarding the credibility of circumstantial evidence in criminal cases are stated by Best as follows:

1.—The onus of proving everything essential to the establishment of the charge against the accused lies on the prosecutor.

2.—The evidence must be such as to exclude to a moral certainty every reasonable doubt of the guilt of the accused.

3.—In matters of doubt it is safer to acquit than condemn; for it is better that several guilty persons should escape than that one innocent person should suffer.

4.—There must be clear and unequivocal proof of the *corpus delicti*, or body, or basis, of the crime.

If a man is charged with murder, obviously the first question is whether the person alleged to have been done to death is actually dead. Before you set out to prove that A murdered B you must prove that B is dead. The danger of endeavouring to prove facts of this sort exclusively by circumstantial evidence is obvious. Sir Matthew Hale mentions an instance where a man was missing for a considerable time and there was strong ground for presuming that another had murdered him and consumed the body in an oven; the supposed murderer was convicted, and executed, after which the other man returned from sea.

5.—The hypothesis of delinquency should be consistent with *all* the facts proved.

In passing from this subject I cannot do better than quote the late Lord Coleridge's eloquent description of circumstantial evidence: "I think one might describe it as a network of facts cast around the accused man. That network may be a mere gossamer thread, as light and as unsubstantial as the air itself. It may vanish at a touch. It may be that, strong as it is in part, it leaves great gaps and rents through which the accused is entitled to pass in safety. It may be so close, so stringent, so coherent in its texture that no efforts on the part of the accused can break through. It may come to nothing—on the other hand, it may be absolutely convincing. . . . The law does not demand that you shall act upon certainties alone. . . . In our lives, in our acts, in our thoughts we do not deal with certainties; we ought to act upon just and reasonable convictions founded upon just and reasonable grounds."

XI: FACTS AND INFERENCES

XI

FACTS AND INFERENCES

Prove all things; hold fast that which is good.
—Epistle to the Thessalonians.

Of the different sorts of proof, what lawyers call "real evidence" is the most satisfactory and convincing. It is the evidence afforded by our senses. With limitations, "See and judge for yourself" is not a bad maxim. Such evidence must, however, be regarded with caution. In my last chapter I indicated the danger of *describing* inferences as facts. It is also a common error to *mistake* inferences for facts.

The Copernican controversy is a good and much-quoted instance. The appearances of Nature led people to assume that the earth was stationary and that the sun went round it. This conclusion or inference they treated as a fact. We now know that their assumption was wrong. The things they saw every day did not mean what they thought.

So it is in smaller things. All that glitters is not gold. You, an unsophisticated male, may in your innocence remark to your observant and better-informed wife that Mrs. B. has a wonderful com-

plexion. Your lady says, "I wonder how it would look after a shower of rain?" You both saw the same beautiful colouring, but you drew different inferences. In stating that Mrs. B. had a fine complexion you stated as a fact what was in reality a mistaken inference or impression from certain observed facts—colour, texture, and so on. You mistook artificial for natural bloom. You may say—why so many words to describe what we all call a mistake? Why confuse the discussion by talking about mistaking inferences for facts? The answer is that if you wish to have a clear perception of things you must acquire the habit of discriminating between what you see and the conclusions you draw from what you see.

This is one of the chief merits of the legal method. Lawyers are careful to ascertain what facts are proved, and then what facts may be inferred or presumed from the proved facts.

A frequent source of error is the habit of remembering and emphasising facts which favour one side of a question and overlooking, forgetting, or minimising those which favour the other. This is due in a great measure to faulty enumeration. For example: the production of six different cures by a quack doctor would no doubt secure him a great reputation, but no details would be forthcoming of the hundreds of cases in which he had failed.

Another fallacy is due to the assumption that what holds good of each member of a certain class

holds good of the class collectively. To give a simple instance. A firm makes a profit by employing four travellers. The partners therefore assume that as each traveller is remunerative they can usefully increase the number to twenty with a corresponding increase of profit. But this may be erroneous. The trade available may suffice for only four. On the other hand, twenty travellers may produce a remunerative turnover, whereas four may show a loss. The man who ruins himself by extravagance, if he thinks at all, suffers from a like delusion. He justifies each item of expense on the ground that he can afford it, forgetting that the sum total will lead him into the bankruptcy court.

It is a common trick to bring forward an irrelevant object to support a doubtful statement. For instance, Shakespeare's Jack Cade claimed to be the grandson of the Earl of March and therefore heir to the Throne. He alleged that his father had been stolen by a beggar, and, being ignorant of his parentage, had become a bricklayer . One of Cade's supporters clinched the matter with the crowd by telling them that the bricklayer had made a chimney in his father's house and that the bricks were there to testify it!

Another trick is to substitute a different proposition for the one of which proof is required; *e.g.,* a man is convicted of embezzlement, but many mitigating circumstances are brought forward which cannot be denied. A bitter critic may say, "Well,

but after all the man is a rogue and there is an end of it." Such an assertion regarding a point not in dispute is irrelevant. The odium implied by the use of the word "rogue" excites a disgust in the minds of the listeners which destroys the force of the mitigating circumstances, the real question under discussion (Whately).

If a matter is important it is well to write down the points of which proof is required and the particulars of the evidence available to prove each point, indicating which facts are proved and which inferred.

In conversation undue precision in language is regarded as pedantic, but when dealing with subjects of importance it is essential to understand exactly what you imply by the words used. Definition is the remedy for ambiguity. Most of us could not define a number of the words we constantly use. Roughly, we know their meaning, but we could not at short notice write down precise definitions. Make the experiment. Take words such as beauty, civilisation, impossibility, certain, capital, rent, wages, profits: write down your definitions, and then check them with a good dictionary. You will probably find the task not so easy as it apppears. If you use terms of art or commerce which have traditional meanings, be careful that you understand their technical implications. Should you fail to observe this precaution the words used may be held to mean what you did not intend.

In legal proceedings the Court usually insists upon the production of physical objects forming part of the evidence, instead of relying upon a description of such objects by witnesses. Non-production when unexplained gives rise to a presumption against the defaulting party. For instance, a sweep's boy found a diamond which he took to a jeweller, who declined to return it or to produce it in Court. The judge told the jury to assume that the diamond was of the finest class, thus giving the rascally jeweller his deserts. In larceny cases, if the stolen property has been found, its production is usually required, and in murder cases the lethal instrument, if available, must be produced. In civil proceedings, the Court frequently inspects samples of goods, pieces of machinery, etc. All these are called "exhibits"—the lawyer's term for documents or articles referred to by witnesses. As unskilled persons are incapable of forming a reliable opinion on a technical question, such as the quality of a material, skilled witnesses are frequently called to assist the Court with explanations.

The best evidence available by the party upon whom lies the burden of proof must be produced. This rule chiefly relates to documents. What is in writing must be proved by the writing itself, and the original must be produced unless (1) it has been lost or destroyed; (2) production is physically impossible; or (3) the document is in possession of the opposite party, who neglects to produce it after

receiving notice to do so. The original or best evidence is called primary evidence. All evidence falling short of this is called secondary. When secondary evidence is permissible it may consist of a copy of the document, or verbal evidence as to its contents. The necessity for the rule that demands the best evidence is obvious. Honest witnesses frequently make mistakes as to the contents of written documents, and copies are often inaccurate. Sometimes the inaccuracy is due to negligence and sometimes to fraud. In the ordinary business of life, if the occasion be important it is essential to see original documents, more especially in the case of references and orders and contracts. It is a common trick for a person seeking a situation to copy out and re-date an old reference so as to bridge over an awkward intervening period, and many frauds have taken place owing to the substitution of higher or lower figures in copies of orders or contracts for sale or purchase. For example, A offers B certain property for, say, £10,000, alleging that he (A) gave £8,000 for it. In support of this statement he produces a copy of a contract in which the consideration is stated at £8,000, when in the original the price is much less. Reliance on extracts from speeches, letters, and other documents is proverbially dangerous. The context often controls, explains, or modifies the meaning.

The law makes certain presumptions. That is to

say, it assumes certain things to be true. Some of these presumptions, called conclusive, cannot be contradicted, while others, called rebuttable, may be rebutted or explained by evidence. For example, it is conclusively presumed that every sane person above the age of fourteen is acquainted with the civil and criminal law; that every sane man of the age of discretion contemplates the natural and probable consequences of his acts; that when husband and wife have cohabited together during the period appropriate to conception, and no impotency is proved, the issue are legitimate although the wife may have been guilty of acts of adultery at the time in question; that after a certain age (probably fifty-three) women are incapable of child-bearing; and that a child under seven cannot commit an indictable offence. There are many other conclusive presumptions mainly relating to the proof of judicial or official acts, such as the registration of joint-stock companies, bankruptcies, etc., which are conclusively proved by the production of prescribed official documents.

Conclusive presumptions avoid waste of time and simplify judicial proceedings. For instance, if it be necessary to prove the registration of a joint-stock company, there is obviously no occasion to do more than produce the registrar's certificate showing that the company has been duly registered. The Court assumes that the registrar has satisfied himself that all preliminaries to registration have been

properly performed. The presumption that every one is assumed to know the law may, however, occasion surprise, as it is notorious that even judges frequently experience difficulty, after laborious investigation, in ascertaining the law upon a particular point. The answer to this criticism is that the presumption in question is the basis of all systems of jurisprudence. There can be only one standard for the whole population—viz., the law, whatever it may be. That is certain which is capable of being made certain. Doubtful points are settled by the Courts. If a man's obligations depended upon the state of his acquaintance with the law, ignorance would be at a premium and dishonest persons would escape by lying as to the extent of their information.

Rebuttable presumptions, as their name implies, are those which may be shown to be false in the particular case. For instance, innocence is presumed until guilt is proved by clear and sufficient evidence. If there is a doubt the prisoner is entitled to the benefit of it. Also a man is presumed to be sane until evidence to the contrary is produced. The onus of proving insanity is on the party by whom it is alleged. Thus, if a will is impugned on the ground of the testator's mental incapacity the burden of proof rests with the party contesting the will. It will be noticed that both conclusive and rebuttable presumptions are nothing more than judicial rules that certain assumptions shall be made in the one case absolutely and in the other subject to con-

tradiction by sufficient evidence. The same effect might have been produced had they been embodied in Acts of Parliament; indeed, the whole of our statute law is in the nature of presumptions which must be enforced by the Courts. Conclusive and rebuttable presumptions of law must not be confounded with presumptions of fact, which, as already shown, arise in cases depending upon circumstantial evidence. A presumption of fact is nothing more than an inference drawn from any fact or facts. If facts, A, B, and C are proved, the Court may infer fact D. The celebrated judgment of King Solomon was founded on two presumptions: (1) That maternal affection would prevent a mother from allowing her child to be divided in two, and (2) that the woman who was willing to save the child was the mother.

Amongst conclusive presumptions are included what lawyers term estoppels. When a person by his words or conduct represents to another that a certain state of things exists, and thus induces him to alter his position, the person making the representation will be precluded or estopped from denying the truth of the facts represented. Thus if A represents to B that C is A's agent and B acts on that representation, A will be precluded from denying the agency.

Those who desire to study more closely the subjects dealt with in these articles might read with advantage the chapters in Mills "Logic" dealing

with fallacies. Also the same sections in De Morgan's "Logic" and Whately's "Logic." Another useful book is "Principles of Science" by Jevons, although parts of it are highly technical.

There are many books on legal evidence. The larger ones are Best and Pitt-Taylor. A smaller book is Phipson's "Manual of the Law of Evidence." Wills on Circumstantial Evidence deals more particularly with that branch of the subject.

A great part of the legal works quoted consists of technical matter dealing with questions of practice of interest only to lawyers; therefore the lay-reader will do well to pick out the chapters which deal with principles. The first 108 pages of "Best" will suffice for most people. Although not strictly relevant to the rules of evidence a perusal of portions of Pollock or Anson on "Contracts" and Pollock on torts or wrongs will be found a useful guide to precise thinking.

XII: HEARSAY AND WHAT IS RELEVANT

XII

HEARSAY AND WHAT IS RELEVANT

"I believe you are in the service of Mr. Pickwick, the defendant in this case. Speak up, if you please, Mr. Weller."

"I mean to speak up, sir," replied Sam. "I am in the service o' that 'ere gen'l'man, an' a wery good service it is."

"Little to do and plenty to get, I suppose?" said Sergeant Buzfuz, with jocularity.

"Oh, quite enough to get, sir, as the soldier said ven they ordered him three hundred and fifty lashes," replied Sam.

"You *must not tell us what the soldier,* or any other man, *said,* sir," interposed the judge; *"it's not evidence."*

"Wery good, my lord," replied Sam.

"BARDELL *v.* PICKWICK."

I now turn to hearsay evidence and necessity of keeping to the point according to the law of England. It must be remembered that Scottish differs from English law in many respects.

Mr. Justice Starleigh's ruling (in "Bardell *v.* Pickwick") was correct. Generally speaking, hearsay, or second-hand evidence, is not received in the Law Courts. Witnesses must speak to what they know of their own knowledge. Otherwise the Court would be required to act on the evidence of

witnesses not under oath and not subject to cross-examination. Other reasons are that the admission of hearsay would open the door to fraud and spin out trials to an unconscionable length.

Let us take a typical case. A is charged with murdering his wife by putting poison in her tea. B, one of the witnesses, says C told him, a month after the alleged murder, that he had seen A pour poison out of a bottle into the teapot. That would not be evidence against A, and in a well-conducted trial B would not be allowed to make such a statement. The rule extends to written as well as to verbal statements. A letter from C to B stating that he, C, had seen the prisoner dope the teapot would not be evidence any more than C's verbal statement. "Hearsay conduct" also is inadmissible. The opinion of a person not called as a witness cannot be proved by describing what he did. For example, the question in one case was whether a ship was seaworthy. A deceased captain, after examining the ship had embarked in her with his family. The Court held that this was not evidence of seaworthiness. This extension of the rule is open to serious criticism. There is a marked difference between proof of conduct and second-hand statements. The latter are open to all sorts of doubts, but the former are definite facts from which the Court can draw its own inferences.

There are, however, many exceptions to the rule:

(1) Statements forming part of what lawyers

call the *res gestæ* are admissible. The *res gestæ* may be defined as the transaction, the subject of the inquiry, and the facts and circumstances intimately connected with it. But such statements are only admitted as evidence that they were made, not as proving the truth of what was stated. For instance, A stabs B in the presence of C and D. C, giving evidence, relates the story and says that after the fatal blow D, now dead, said to A, "Good God! you have killed him."

The statement could be given in evidence as part of the transaction, but not as proof of the fact that A killed B, although no doubt the effect of admitting it would be to influence the jury in the direction of believing that he did.

In cross-examination, where a greater latitude is allowed than when examining-in-chief, questions may be put which elicit hearsay evidence, but such statements are inadmissible as proof of the facts to which they refer, and it is the practice of the judges to warn juries accordingly.

(2) Declarations by deceased persons against their own interests are admitted. For example, if A enters in his diary a note that he owes B one hundred pounds, and dies later on, the entry would be evidence against A's executors if B sued for the hundred pounds.

The reason for this rule is that people are not in the habit of making statements contrary to their own interests unless those statements are true,

whereas, on the other hand, they often make untrue statements in their own favour.

(3) Declarations by deceased persons in the course of their employment are also admissible. For instance if B's ledger clerk makes an entry showing that A owes B one hundred pounds, the entry would be admissible in favour of B if the clerk were dead when the action was tried.

(4) Declarations by deceased persons regarding public rights such as right of way, etc.

(5) Declarations by deceased persons regarding question of pedigree. For instance, entries in family Bibles as to marriages, births, etc., and declarations by deceased persons as to their own marriage or that of their relatives.

(6) Ancient documents are admitted as evidence of ancient possession of property provided they were executed contemporaneously with the transactions to which they relate.

(7) Declarations made by persons under the belief of their impending death.

(8) Declarations by a deceased person as to his state of health at a particular time.

Both in civil and criminal cases the evidence must be relevant to the issues raised in the pleadings. The parties are not, or should not be, allowed to roám. This is a primary outstanding rule of the English law of evidence, and it is one which you may well bear in mind when dealing with ordinary investigations. Keep to the point. Consider mat-

ters only directly affecting the issue in question. No doubt it is often difficult to discover where roaming begins. This is shown by the inordinate length of many trials in the Law Courts. At the same time, lawyers have good rules. Whether they are always observed is another matter. The leading maxims are: *"In jure non remota causa sed proxima spectatur"*—"In law the proximate and not the remote cause is to be regarded"—and *"Res inter alios acta alteri nocere non debet"*—"One person ought not to be injured by the acts of others to which acts he is a stranger." Evidence must have a reasonable connection with the main fact to be determined. The parties must not drag in remote subsidiary facts and circumstances.

Generally speaking, a prisoner's evil record cannot be brought up against him. If, however, he avails himself of his option to give evidence, he may be cross-examined as to character if he or his advocate has questioned the witnesses for the prosecution with a view to establishing his own good character, or has given evidence thereof, or the defence is such as to involve imputations upon the prosecutor or the witnesses for the prosecution.

There are also certain cases in which evidence of previous charges may be given. Let us take two different examples. (1) A is charged with burglary and murder. Ten years before he had been convicted of robbery with violence, and seven years earlier of burglary. These facts cannot be given

in evidence against him unless he goes into the witness-box under the circumstances above mentioned. (2) A baby farmer is charged with murdering an infant by neglect and starvation. The fact that five other children committed to her care had died under suspicious circumstances during the preceding two years can be given in evidence. In case No. 1 there is no connection between the different crimes, whereas in case No. 2 the deaths of the six children all form part of the same story.

Civilisation depends upon character, credit, and reputation. You judge people by their record. As the Bible says, "By their fruits ye shall know them." This is another application of the theory of probability. At the same time, we may carry this principle too far, and it is one of the merits of our admirable legal system that a man cannot be committed upon evidence of bad character. The particular charge against him must be proved. On the other hand, while a good reputation is a valuable asset, particularly in time of stress and danger, the law recognises, and experience shows, that crimes are often committed by unlikely persons, and that every one must be judged on the facts of the particular case.

XIII: HOW TO FIND THINGS OUT

XIII

HOW TO FIND THINGS OUT

> Nothing has such power to broaden the mind as the ability to investigate systematically and truly all that comes under thy observation in life.
>
> —Marcus Aurelius

No statement of the principles of evidence would be complete without a brief account of what scientists and logicians term the inductive method. This sounds rather learned and portentous, but it is merely the scientific name for a simple mental process which even ignorant persons constantly perform, and which is a necessary incident of life. The question is how you perform it.

Every one reasons inductively—some consciously; some unconsciously; some in regard to big and others in regard to small things. The scientist applies the ordered and well-established principles of induction, whereas the child in his small way arrives at his conclusions by simpler methods. Briefly stated, induction consists in ascertaining general laws from particular instances. "In other words, induction is a process by which we conclude that what is true of certain individuals of a class is true of the whole class, or that what is true at certain

times will be true in similar circumstances at all times" (Mill).

Let us see how the child proceeds. Finding the blaze of the fire attractive, he reaches out toward the pleasing object, and, of course, burns his fingers. One experiment is usually enough. He comes to the conclusion that *all* fires burn the fingers of small boys. From an experiment with one fire he establishes a general law regarding all fires. As Lord Macaulay says in his Essay on Lord Bacon, which I advise you to read: "It [the inductive method] is constantly practised by the most ignorant clown, by the most thoughtless schoolboy, by the very child at the breast. That method leads the clown to the conclusion that if he sows barley he shall not reap wheat. By that method the schoolboy learns that a cloudy day is the best for catching trout. The very infant, we imagine, is led by induction to expect milk from his mother or nurse, and none from his father."

The scientist proceeds on very much the same lines. He is faced with a phenomenon or occurrence which he does not understand. He sets to work to investigate it by observation and experiment. He may thus haphazard discover the cause, but the more usual course of scientific inquiry is for the investigator, from experience and by inference, to form a theory or hypothesis—a provisional explanation—which he endeavours to verify by examining all the evidence available. Of course, many theories prove

to be wrong. The celebrated Turgot remarked: "The first thing is to invent a theory; the second thing is to destroy it." Or, shall we say, riddle it with ruthless criticism based not on one's own unaided reflection, but upon an examination of the facts. It may be found in the progress of the inquiry that the theory with which the investigator starts is wrong, and he may have to form another which, in its turn, may prove to be fallacious. Perhaps he may eventually propound a theory which can be supported by the observed facts.

It should be noted, however, that there is this difference between the inductions of the child, or ignorant person, and those of the scientific investigator. The former knows only that things happen, while the latter knows why they happen. For instance, the quack knows by experience that a certain drug acts as a tonic, but he does not know the reason, whereas the skilled doctor does. That is why rule-of-thumb knowledge is called empirical as compared with scientific.

As an instance of scientific induction I will shortly describe one of the most amazing detective stories of modern times, the tracing and conviction of the mosquito as the carrier of malaria and yellow fever. From the time of Hippocrates malaria had been carefully studied and ascribed to all sorts of causes—miasma from undrained swamps, contagion by contact with persons suffering from the disease, infection from the air, etc., etc. In 1880 Laveran,

a French army surgeon, discovered that malaria was caused by a minute parasite in the blood, but how it got there remained a mystery. In an indefinite way the mosquito had long been associated with malaria, but it was not until 1894 that Sir Patrick Manson, arguing by analogy from his previous discoveries regarding other tropical diseases, put forward the theory that the disease was transmitted by the mosquito from one person to another. In 1895 this idea was followed up by Sir Ronald Ross, who found that the body cavity of the mosquito of the genus *Anopheles* contained enormous quantities of malarial parasites, which it injected through its grooved sting. The investigation was continued from a different angle, and in 1898 it was shown that if a mosquito of the *Anopheles* variety bites a person suffering from malaria and then bites a healthy person, the latter will develop the disease, provided that a sufficient interval has elapsed to allow the parasites to breed in the mosquito. In 1900 Dr. Sambon and Dr. Low, acting for the London School of Tropical Medicine, went to reside in the most malarious district in Italy during the most dangerous season. Living, between sunrise and sunset, in a mosquito-proof hut (the female mosquito, who is the culprit, bites only at night as a rule), they did not contract the disease, whereas the mosquitoes which they caught and sent to London produced malaria in persons who submitted themselves to be bitten at the School of Medicine.

These experiments were successfully carried out on a larger scale, and additional proof was furnished by segregating all malaria patients in certain districts, so as to cut off the mosquitoes' source of supply. Another method adopted was to drain the swamps frequented by mosquitoes. The result of these discoveries has been in a great measure to stamp out the disease.

It was first suggested in 1847 that the mosquito was responsible for transmitting yellow fever. In 1881 Dr. Finlay, of Havana, made experiments to test the truth of the theory, but they were not successful, because he used for inoculation mosquitoes that had bitten yellow fever patients only from two to five days earlier, whereas later experiments proved that the mosquito is harmless until twelve days or longer after the biting. During the occupation of Cuba by the United States army in 1900 yellow fever became very prevalent, the mosquito theory was further investigated, and Drs. Lazear and Caroll allowed themselves to be bitten by mosquitoes which had become infected by biting yellow-fever patients. Dr. Lazear died as a result. Dr. Caroll was attacked, but recovered. After Lazear's death nine volunteers offered themselves for experiment, and with the utmost fearlessness, clad only in their night-shirts, quietly lay down in a room containing infected mosquitoes and submitted to their attacks—a wonderful exhibition of courage. Nearly all of them were smitten with the disease.

Tests were also made to prove whether yellow fever was a contagious disease. Seven volunteers entered a room carefully guarded against the entrance of mosquitoes. It was supplied with a large quantity of bed clothing, wearing apparel, and night clothing taken from the beds and persons of patients who had died of yellow fever. For twenty consecutive nights the volunteers handled, wore, and slept in the contaminated clothing, although the stench was so offensive as to be almost unbearable. They emerged from the ordeal in perfect health, proving, beyond possibility of dispute, that the disease was not contagious. The result of these experiments was to show that the mosquito (*Stegomyia* variety) is responsible for the transmission of yellow fever.

Now let us examine the method applied in making these wonderful discoveries. First we find that experience suggested the mosquito as a possible source of infection. Here we have the theory or hypothesis. Second, in the case of malaria, we have the investigation showing that the body of the insect contains the parasite. Third we have the verification of the theory by these facts:

(*a*) That persons bitten by mosquitoes develop the disease, whereas persons who are not bitten escape;

(*b*) That if the mosquito is prevented from reaching infected persons its sting is rendered harmless;

(*c*) That the destruction of the mosquito abolishes the disease.

The result of investigations regarding particular instances is to establish the general law that malaria and yellow fever are transmitted by the mosquito. Numerous other instances could be given. Almost all scientific discoveries have proceeded on these lines: experience and knowledge leading to an hypothesis, followed by verification.

XIV: THE LAWS OF THOUGHT

XIV

THE LAWS OF THOUGHT

Mind is the beginning of knowledge.
—ARISTOTLE.

The method described in my last chapter seems simple and commonplace. It is difficult to realise that for centuries the inductive method was neglected by the learned ones of the earth. They were so much engrossed in logical disputation that they thought more about arguments than facts. In everyday life people adopted more rational methods, but many popular superstitions and fallacies were and are due to the neglect of investigation and experiment. Two great Englishmen took a leading part in demonstrating the necessity for true reasoning—Roger Bacon (thirteenth century) and Lord Bacon (early seventeenth century). Both taught that knowledge is based on experience and experiment. They said: "If you want to know what is on the other side of a wall, go and look. Don't speculate about it."

As Lord Macaulay says in one of his essays: "By stimulating men to the discovery of new truth, Lord Bacon stimulated them to employ the inductive

method, the only method, even the ancient philosophers and the schoolmen themselves being judges, by which new truth can be discovered. By stimulating men to the discovery of useful truth, he furnished them with a motive to perform the inductive process well and carefully. His predecessors had been, in his phrase, not interpreters, but anticipators of nature. They had been content with the first principles at which they had arrived by the most scanty and slovenly induction. And why was this? It was, we conceive, because their philosophy proposed to itself no practical end, because it was merely an exercise of the mind. A man who wants to contrive a new machine or a new medicine has a strong motive to observe accurately and patiently, and to try experiment after experiment. But a man who merely wants a theme for disputation or declamation has no such motive. He is therefore content with premises grounded on assumption, or on the most scanty and hasty induction. Thus, we conceive, the schoolmen acted. On their foolish premises they often argued with great ability; and as their object was *assensum subjugare, non res,* to be victorious in controversy, not to be victorious over nature, they were consistent. For just as much logical skill could be shown in reasoning on false as on true premises. But the followers of the new philosophy, proposing to themselves the discovery of useful truth as their object, must have altogether failed of attaining that object if they had

been content to build theories on superficial induction."

It must, however, be remembered that Bacon did not discover the inductive method, as many people think. He only pointed out in an arresting way the urgent need for its use. Again, to quote Lord Macaulay: "Aristotle had long before pointed out the absurdity of supposing that syllogistic reasoning could ever conduct men to the discovery of any new principle, had shown that such discoveries must be made by induction, and by induction alone, and had given the history of the inductive process, concisely indeed, but with great perspicuity and precision."

When, however, you come to examine more minutely the process of the inductive method, you will find that there is much food for thought. First, it is difficult to appreciate that reasoning depends upon the detection of similarities and differences. When you hear a bell ringing in the street on a Sunday afternoon, you detect the muffin-man, because the sound is similar to that which you heard on previous occasions when you saw the said muffin-man ring his bell. If you meet your brother you recognise him because you see the same form that you have always known as your brother.

So it is with all reasoning. Consciously or unconsciously, we are for ever making comparisons. The trained mind perceives similarities and differences which are not observed by the untrained. This ap-

plies both to physical objects and to ideas. The expert recognises that certain cloth complies with a certain standard because his trained eye detects differences imperceptible to the untrained eye when comparing it with a cloth of slightly inferior quality.

Then, we do not always remember with sufficient vividness that things—both mental and physical—which are equal to the same thing are equal to one another. In short, if A is equal to B, and B to C, A must be equal also to C.

Also, we are apt to forget that, for the purposes of strict reasoning and apprehension, a thing must either be or not be, which means that nothing can have, at the same time and in the same place, contradictory and inconsistent qualities. As Aristotle said, there can be no mean between opposite assertions, we must either affirm or deny. For example, a door cannot be shut and open at the same time; a line must be either straight or not straight; an action must be either virtuous or not virtuous. In the affairs of common life, however, we are seldom concerned to place an object or an idea in a rigid category. Our attention is usually addressed to ascertaining and describing the facts, not by reference to categories, but as they are. We say, for instance, the door was nearly shut; the line was not quite straight; the action was not quite fair, etc. At the same time, it is well to have this rule in mind, as precision is the basis of all reasoning. When argu-

ing about less obvious matters people frequently put forward contradictory propositions.

The comparison of ideas or things of the mind is often a matter of extreme difficulty. Let us take a common example. You say every citizen has the right to exercise such a measure of freedom as can be exercised without interfering with the enjoyment of a similar measure of freedom by other citizens. This definition of liberty seems clear until you seek to apply it to particular instances. We will deal with two suppositions. (1) Smith, Jones, Brown and Robinson, the local bakers, being earnest, enterprising business men, form a ring to raise the price of bread. The whole town is in an uproar. The bakers are described as rascally profiteers and proposals are made to control the bread trade. On the other hand, the bakers say that they are public benefactors who have long worked for inadequate profits, that their prices are reasonable, and that if the public are dissatisfied they can bake their own bread. (2) The sewermen employed by the Local Authority strike for higher wages. Here again the townspeople are furious.

The strikers are hotly charged with holding up the community; the public suddenly discover that flushing sewers is a most salubrious occupation, and that, comparatively speaking, the sewer-men are extremely well paid. On the other hand, the strikers say that they are underpaid and over-worked, that their occupation is dangerous and unpleasant,

and that they are under no obligation to work unless they think fit. Now, when you come to apply your definition to these two cases, you will find several different opinions as to its application. Mr. A. will say that both bakers and sewer-men are within their rights, it being open to all other members of the community to act in the same way. Mr. B. will say that both parties are in the wrong; that the bakers should be compelled to sell their bread at a reasonable price and that the sewer-men should be sent back to the sewers, if necessary, at the point of the bayonet. Mr. C. will say that the bakers are justified in charging what they like, but that the case of the sewer-men is different. Mr. D. will back the sewer-men and down the bakers. The bakers themselves will very likely condemn the sewer-men and the sewer-men the bakers. Mr. E., who is probably right, will decline to argue until you define what you mean by freedom. Define your terms and then see whether the particular instance is covered by the general rule.

John Stuart Mill gave five rules for inductive reasoning, which state in precise but somewhat involved terms the ordinary methods adopted by persons who reason well when investigating a phenomenon or occurrence which they do not understand. These rules apply not only to scientific investigation but to the common problems of life.

To take the first rule, called "The Method of Agreement": "If two or more instances of the

phenomenon under investigation have only one circumstance in common, the circumstance in which alone all the instances agree is the cause (or effect) of the given phenomenon." In simpler language this means that when you find that several different things or sets of circumstances exhibit the same conundrum you should inquire in what respects these things or sets of circumstances agree or differ, because it is obvious that if they agree in only one particular, that is likely to be the cause of the conundrum.

Jevons gives the following example: "Bright prismatic colours are seen on bubbles, on films of tar floating upon water, on thin plates of mica, as also on cracks in glass or between two pieces of glass pressed together. On examining all such cases they seem to agree in nothing but the presence of a very thin layer or plate, and it appears to make no appreciable difference of what kind of matter, solid, liquid or gaseous, the plate is made. Hence we conclude that such colours are caused merely by the thinness of the plates, and this conclusion is proved true by the theory of the interference of light."

The second rule, called "The Method of Difference," is as follows:

"If an instance in which the phenomenon under investigation occurs, and an instance in which it does not occur, have every circumstance in common save one, that one occurring only in the former, the circumstance in which alone the two instances differ

is the effect or the cause, or an indispensable part of the cause, of the phenomenon."

This means, in other words, that if you see two things or sets of circumstances exactly the same except in one particular, and if the conundrum is displayed by the thing or set of circumstances that possesses this characteristic, you may assume that it is this difference that causes the conundrum.

Jevons as an example gives the formation of dew: "If on a clear, calm night a sheet or other covering be stretched a foot or two above the earth, so as to screen the ground below from the open sky, dew will be found on the grass around the screen, but not beneath it. As the temperature and moistness of the air, and other circumstances are exactly the same, the open sky must be an indispensable antecedent to dew."

By the way, compare Gideon's experiences (Judges vi. 37 *et seq.*).

The third rule, called "The Joint Method of Agreement and Difference," is a combination of Nos. 1 and 2, chiefly for use in scientific investigation.

The fourth rule, called "The Method of Residues," is comparatively simple. It states in effect that if you are satisfied that part of a phenomenon is due to certain causes, you may rest assured that the remaining part is due to the other causes which you have traced.

The fifth rule says that when phenomena vary in

unison you may assume that they react upon each other, or are due to the same cause. For example, friction causes heat—less friction, less heat—more friction, more heat. The phenomenon "heat" varies in proportion with the phenomenon "friction." Or, to take another example, strike a bell in a complete vacuum—no sound. Strike it in very little air in the receiver of an air-pump and a faint sound is heard, which increases or diminishes every time we increase or diminish the density of the air. In this case the phenomena are "sound" and "air"—more air, more sound—less air, less sound.

If you wish to pursue this subject, I advise you to read the sections on induction in Jevons' "Lessons in Logic," Mill's "Logic," Vol. I, and in Whateley's "Logic." There are numbers of other books. Bradley, Bosanquet, etc. Joseph's "Logic" is one of the best. You will find that logicians, like other experts, frequently differ.

You must not confuse inductive reasoning with formal logic, the syllogism, etc. The syllogism is a formula invented by logicians and dating back to period before Aristotle. "It may be defined as an act of thought by which, from two given propositions, we proceed to a third proposition, the truth of which necessarily follows from the truth of these given propositions" (Jevons). To take a rough example: All men are liars. Jones is a man, therefore Jones is a liar. This, on the face of it, is unanswerable; but a moment's reflection will show that

it may be humbug, because the inference that Jones is a liar depends on the implied assumption, which may be true or untrue, that *all* men are liars. In short, formal logic does not teach how to observe facts, but only how to argue from facts, which, though agreed upon for the purposes of the argument, may in themselves be inaccurate. Formal logic tends to produce an acute mind, but life's problems are not settled by splitting hairs. A man may be so sharp that he cuts himself. Macaulay went so far as to say: "The knowledge of the theory of logic has no tendency whatever to make men good reasoners."

We live in a world of realities. Therefore it is best to reason about actual, vital facts, interesting in themselves whether they be the facts of everyday life, facts in the Law Courts, or scientific facts. Take an actual problem and try to solve it, remembering as you work the rules for reasoning which are the natural product of human experience. Some minds run in one direction and some in another. For amusement and instruction try to reason about problems that interest you. That is the way to get at the heart of a subject. The merry, eager, inquiring mind goes all the way. The dull, bored mind soon gets tired. There is a wonderful pleasure in mental achievement for its own sake and not for pecuniary profit. When you acquire information which gives you keen satisfaction, you can say with Shakespeare:

My crown is in my heart, not on my head,
Not deck'd with diamonds and Indian stones,
Nor to be seen: my crown is called content,
A crown it is that seldom kings enjoy.

XV: LEGAL MAXIMS

XV

LEGAL MAXIMS

Maxims are the condensed good sense of nations.
—MACKINTOSH.

This chapter is devoted to the legal maxims which apply specially to the rules of evidence. Legal like other maxims are framed with the object of stating general principles in epigrammatic form. But it is one thing to lay down general principles and another to apply them to particular cases. Consequently the application of legal maxims is by no means easy. The problems usually arise, "Does the maxim apply?" and "If it does, is the case under review an exception?" The difficulty is increased by the complexity of modern life and the accumulation of a vast mass of statutes and legal decisions. A knowledge of fundamental principles is, however, essential. They are the lawyer's compass. The exigencies of the particular case may require him to take this or that course, but unless he understands first principles, he will be certain to make mistakes. Many of the maxims date from the time of the Romans. Being manifestly founded on reason, public convenience and necessity, they form part of the law of every civilised nation.

Volenti non fit injuria.
That to which a man consents cannot be considered an injury.

Note.—This is an important and far-reaching maxim, but it has its limitations. In some cases a party has no power to consent—in other words consent makes no difference. Yet generally speaking acquiescence and consent form a good defence. For example: If a man voluntarily releases his rights he cannot afterwards enforce them, but he must not be deceived into making the release, and in most cases some consideration or a deed is necessary for the effectual giving up of a right. There is another class of case, however, in which consent and acquiescence are important factors. A man who contributes to an injury which he sustains is precluded from recovering damages from the other party to the injury. This is what is called "contributory negligence."

Qui facit per alium facit per se.
He who does anything by another does it by himself.

Note.—When four hundred years ago the Pope's cat allowed the Pope's monkey to use her paw to pull chestnuts out of the fire, she little thought that her action would be immortalised in two valuable similes. "Pulling chestnuts out of the fire" for some one else and "acting as a cat's-paw" are phrases we all use and understand. But the law does not allow the schemer to escape. If you employ an agent you

are liable for what he does within the scope of his authority, and to indemnify him for the consequence, unless indeed the parties are engaged in an unlawful act. For example, if when driving for you, your motor driver negligently knocks some one down you are liable to the injured person. On the other hand, the agent must display the utmost good faith in his dealings with his principal. He must not make secret profits or use his position to secure advantages for himself except with the consent of his principal.

Qui tacet consentire videtur.
He who is silent appears to consent.

Note.—In popular phraseology "Silence gives consent"—but this maxim must be applied with great caution. For example: if you propose to a lady, and she says nothing, you must not assume that she consents. On the contrary, the implication is that she does not, unless the silence is accompanied by acts capable of only one construction.

Res inter alios acta alteri nocere non debet.
One person ought not to be injured by the acts of others to which he is a stranger.

Note.—This is one of the leading maxims concerning the law of evidence. A man's acts and declarations are binding upon him as evidence against himself, but it would be manifestly unjust that he

should be bound by those of strangers who were not his agents.

Res judicata pro veritate accipitur.
A thing adjudicated is received as true.

Note.—When a matter has been adjudicated upon by the Court in proceedings between the same parties it is regarded as settled.

Expressio unius personæ vel rei, est exclusio alterius.
The express mention of one person or thing is the exclusion of another.

Note.—This rule states one of the first principles applicable to the construction of statutes and other documents. Special words override and control general words. To give a crude example, if a document says that Smith was killed with a sharp instrument and then goes on to say that he was killed with a hatchet, the mention of the hatchet excludes any other species of sharp instrument from consideration. But caution is necessary when dealing with this maxim, as its application depends upon the intention of the parties as discoverable upon the face of the document.

De minimis non curat lex.
Of trifles the law does not concern itself.

Note.—This rule applies to all legal matters. It is not restricted to evidence. Trifles are often im-

portant, but the law preserves a sense of proportion.

Nimia subtilitas in jure reprobatur.
Nice and subtle distinctions are not sanctioned by law.

Note.—See the previous maxim.

Cuilibet in sua arte perito est credendum.
Whosoever is skilled in his profession is to be believed.

Note.—This maxim applies to doctors, lawyers, surveyors, architects and others who are called upon to give technical advice or evidence. But note the word "skilled." Much discretion is required when selecting the expert upon whom to rely. You want to be sure that he is "skilled." Expert witnesses are allowed to give opinions, whereas ordinary witnesses as a rule must speak to the facts only.

In jure non remota causa, sed proxima spectatur.
In law the proximate, and not the remote, cause is to be regarded.

Note.—This is a salutary maxim. Life is made up of "one damn thing after another," and each thing hinges on some other thing like the House-that-Jack-Built. Consequently the law confines itself to the immediate cause. The person, however, who does an act is responsible for the natural and necessary consequences. For example, where the defendant threw a lighted squib into a market-house during a fair, and the squib fell upon a stall,

and the stall-keeper to protect himself threw the squib upon another stall from which it was again thrown, thus blinding the plaintiff, it was decided that the person who originally threw the squib was liable for the damages sustained by the blinded man.

Injuria non præsumitar.
Injury is not to be presumed.

Note.—It must be proved.

Interpretatio talis in ambiguis semper fienda, est, ut evitetur inconveniens et absurdum.
In ambiguous things such an interpretation is to be made, that what is inconvenient and absurd is to be avoided.

Note.—This requires no comment.

Nullus commodum capere potest de injuria sua propria.
No one can take advantage of his own wrong.

Note.—This maxim expresses one of the primary rules of justice. Supposing, for example, that Smith contracts with Jones to do certain work within a certain time, Jones finding the materials, and the materials are not forthcoming, Jones cannot, if the work is not completed in the stipulated time, sue Smith for breach of contract.

Omnia præsumuntur contra spoliatorem.
All things are presumed against a wrong-doer.

Note.—In an earlier chapter I mentioned the leading case upon this subject—Armory *v.* Dela-

mirie—which arose out of the conduct of a dishonest jeweller who stole a diamond from a sweep's boy who had found it. The jeweller failing to produce the stone, the Court held that the boy was entitled to restitution on the assumption that the stone was of the finest class. In another case a portion of a diamond necklace which had been stolen was found in the defendant's possession shortly after the robbery. The owner was held entitled to recover the value of the whole necklace.

Verba intentioni, non e contra, debent inservire.
Words ought to be made subservient to the intent, not contrary to it.

Note.—In construing documents the object of the Court is to ascertain the intention of the parties and to give effect to it.

Certum est quod certum reddi potest.
That is certain which is able to be rendered certain.

Note.—This rather obvious truth applies in legal affairs mostly to the construction of deeds, e.g., If a deed provides that so much money shall be paid to A for his services as B shall determine, although the amount is uncertain in the deed it is capable of being made specific by B's award.

Id certum est quod certum reddi potest; sed id magis certum est quod de semet ipso est certum.
That is certain which can be made certain, but that is most certain which is certain on the face of it.

Note.—This needs no comment.

Confessio, facto in judicio, omni probatione major est.

A confession made in judicial proceedings is of greater force than all proof.

Note.—This maxim must be applied with a large grain of salt. A plea of guilty takes a lot of explanation, but it is not uncommon for innocent persons to make such a plea with various objects.

De non apparentibus, et non existentibus, eadem est ratio.

Of things which do not appear and things which do not exist, the rule in legal proceedings is the same.

Note.—As a general rule, the law acts only upon things proved in evidence. There are, however, some matters of which the Courts will take judicial notice without proof. For example, statutes, Parliamentary proceedings, privileges of the House of Commons, etc.

Ignorantia facti excusat; ignorantia juris non excusat.

Ignorance of the fact excuses; ignorance of the law does not excuse.

Note.—In theory every one is supposed to know the law, except children under a certain age and insane persons. On the other hand, ignorance of a material fact may excuse a party from the legal consequences of his conduct. For example, in the absence of fraud money paid with full knowledge

of the facts but through ignorance of the law is not recoverable, whereas the contrary applies where money is paid in ignorance of the facts. Thus where credit was not given in an account for a sum already paid by the plaintiff who, in mistake and in the hurry of business, paid the balance shown to be due, he was allowed to recover the amount overpaid.

Those who are interested in this subject should read Broom's "Legal Maxims" or Wharton's "Legal Maxims." The latter is best suited for the lay-reader and is a most instructive little book. I am indebted to Wharton for the translations of the maxims quoted.

XVI: THE MORAL DUTY OF BELIEF

XVI

THE MORAL DUTY OF BELIEF

How prone to doubt, how cautious are the wise!
—Alexander Pope.

It is not surprising that the ordinary rules for judging evidence are rarely applied to statements concerning spiritualism and kindred subjects. To test such statements by means similar to those which we apply to discover whether Mr. A. is a fraudulent trustee or whether Mr. B. murdered his wife seems to border upon the irreverent. The idea of entering the presence of a disembodied spirit accompanied by an Old Bailey lawyer, a detective, and a conjurer is repulsive and incongruous. Indeed, we are told that an unsympathetic, suspicious atmosphere is calculated to frustrate the success of such experiments, and we can well appreciate the truth of this contention. What, then, should be our attitude when considering psychic phenomena? My object is to endeavour to answer this question.

It is the duty of every one to abstain from forming important beliefs without adequate evidence to support them. In this respect we have a duty not only to ourselves but to the community. The be-

liefs and mode of thinking of the humblest citizens are part and parcel of that wonderful web of thought which forms the character and tradition of the race. Therefore, notwithstanding the objections above-mentioned, it becomes necessary to consider how we should test the evidence of psychic phenomena. Here we are at once faced with the difficult problem which has caused endless discussion, viz.: To what extent are we entitled to rely upon the authority of others when forming beliefs regarding subjects beyond our personal knowledge and experience? At almost every turn in life we are called upon to rely upon the judgment or statements of other people, and mankind has evolved two useful tests for use on such occasions.

First.—Is our informant or adviser honest?

Second.—Does he know what he is talking about?

Assuming a satisfactory reply to the first question, obviously the answer to the second must often present serious difficulties where technical or scientific subjects are involved. If you require an architect, a medical specialist, or an electrician, can you hope to make an effective choice if you are ignorant of architecture, medicine, or electricity? Most of us solve the difficulty by consulting a person famous in his profession, sometimes forgetting that often professional men do not become famous until they are old and old-fashioned. Another method, and a good one, is to obtain recommendations from persons who have had occasion for similar

services. But one thing is certain. We do not go to a professor or literary man if we desire to investigate the credit or character of a person with whom we are about to have business relations. We consult a lawyer or private detective. This brings us to spiritualism, thought-transference, etc. There is no doubt that the glamour of great names has led people to credit stories and to form beliefs which, but for the advocacy and sanction of the persons bearing such names, they would have rejected. Does the fact that a man is a great authority on electricity, physics, or literature constitute him an authority on psychic phenomena and the credibility of witnesses and mediums?

A knowledge of electricity and physics does not imply special qualifications for investigating and judging such evidence. Unfortunately, we know that the history of alleged abnormal occurrences is thickly strewn with cases of fraud and mad delusion. Consequently the credibility and sanity of the medium or testifier is an important item in a spiritualistic or thought transference experiment. A professor may be an adept in dealing with volts and electrons, but in dealing with unscrupulous or neurotic men and women he may be simple and easily deceived. I should attach more importance to the judgment of a skilled conjurer assisted by a shrewd private detective. It may be said that we are not expected to act on authority, and that every one is entitled to examine the evidence for himself; but

the fact remains that many people credit these stories because distinguished men believe them to be true. It must be remembered in addition that very few seekers after truth have the qualifications or facilities for making such investigations, which involve all sorts of different questions, some medical, some personal, and some psychological. To put the matter in a nutshell, those who hold these views base their beliefs on the fact that mediums make communications from spirits containing information previously unknown to the mediums, and which must therefore have been communicated to them by the spirits. The whole thing may be a fraud, or it may be capable of some less dramatic explanation. If thought-reading is a fact, it would be more feasible that the medium, consciously if fraudulent, or unconsciously if honest, should secure his or her information from one of the spirit's friends who may happen to be present. This would be remarkable, but far less so than communications from the spirit world.

Most mediums perform for money, and those who do not derive notoriety and kudos from the possession of their alleged mystic powers. These facts make the utmost caution necessary. No experiment is worth the name which is not carried out by independent investigators who enter upon the experiment without bias. Spiritualistic and thought-transference enthusiasts are usually receptive. They are looking for evidence to support beliefs

already formed. Of course it may be said that all scientific investigation is made upon these lines. The inquirer forms an hypothesis, and then endeavours to test it. But an hypothesis is a different thing from a belief, and we know from experience that the vital issues involved and the ardent longing which many people have to communicate with the dead produce almost ecstatic beliefs which are inimical to level-minded investigation.

The systematic probing of evidence is rare except in a law court or scientific laboratory. In dealing with psychic research most of us are inclined to believe what we consider possible and not what has been proved. There is a marked difference between "it may be" and "it is." In the case of thought-transference we are all acquainted with the argument, "There is no doubt that in everyday life some people can read the thoughts of others. Therefore it was quite possible that Mr. A. could tell Mr. B. the number of a bank-note which Mr. B. took out of his pocket and examined during the experiment without disclosing the number to any other person." I do not suggest that this and other miraculous feats may not be performed, but the questions in each case are:—

First.—Was it performed? And

Second.—Was it performed by means of thought-reading or was it done by means of a trick?

We have not to consider the possibilities but the facts in each experiment. One performer may be

genuine, while another may be a fraud, and strange happenings may be due to natural causes. If we wish to collect data on which to base an induction, we must see that in each instance we arrive at the truth irrespective of possibilities. This is the A B C of scientific investigation. As Huxley says: "The development of exact natural knowledge in all its vast range, from physics to history and criticism, is the consequence of the working out, in this province, of the resolution to 'take nothing for truth without clear knowledge that it is such'; to consider all beliefs open to criticism; to regard the value of authority as neither greater nor less than as much as it can prove itself to be worth."

Not having examined the evidence, I do not venture to express an opinion upon the merits of the controversy concerning spiritualism and thought-transference. My only object is to insist upon the vital necessity, in the interests of the individual and the community, of abstaining from adopting important beliefs without strict investigation of the facts. Those who are interested in this aspect of the discussion may read with advantage an essay by the late Professor W. K. Clifford, called "The Ethics of Belief," published in *Lectures and Essays.*

Perhaps I may be permitted to say a few words from the point of view of the man in the street concerning certain recent and striking arguments by my friend Sir Oliver Lodge. For the most part he merely repeats what has been said in one form or

another by philosophers of various schools since the time of Homer. In effect he says we possess a soul and that mind and matter are two different things. In other words, he rejects the mechanistic or materialistic theory, and claims the reality of psychophysical interaction—to use the jargon of the craft. Needless to say, these views are widely held by people of all classes, including distinguished men of science. There is nothing new about them, and, involving as they do the vital question of the immortality of the soul or reason, no subject has been more violently debated or given rise to more theories. According to Mr. William McDougal (see his interesting book on "Body and Mind"): "in spite of heated controversy the question still remains just where Aristotle left it, with this difference only—that we are beginning to acquire that understanding of the nature and extent of the bodily processes involved in mental activity, the lack of which necessitated the suspension of judgment in the truly scientific mind of Aristotle." He means that there is now a mass of carefully collected evidence regarding our mental functions which demands careful study by any person who wishes to form a belief on this important subject.

When all is said, Sir Oliver Lodge's only contribution to the discussion is the alleged proof of immortality supplied through the instrumentality of mediums and other testifiers. Obviously, the value of this contribution depends on the authenticity of

the evidence on which it is based. It may well be possible to confute M. Charles Richet by arguments proving that mind is something more than matter, but that in no way proves or tends to prove the spiritualistic theories of Sir Oliver Lodge. He fairly points out that if the mechanistic theory is correct, then there is an end of spiritualism. He tells us that "if memory resides in the brain, access to lost memory and personality through the agency of survivors is hopeless: for there are no survivors." Therefore, he is bent on destroying the mechanistic doctrine. The reader will do well to note, however, that assuming that Sir Oliver is right, and that the mechanists are wrong, this does not prove that Sir Oliver and his coadjutors are correct in their further assumption that the soul or reason can exist apart from the body, or that, if it can, we can get into communication with it through the channels on which he places reliance. There are three separate and distinct points which must not be confused:—

First.—Does mind exist apart from matter, *i.e.*, the molecules of the brain and nerve-centres?

Second.—If it does, can it continue in any—and, if so, what—shape after death? And

Third.—Are Sir Oliver Lodge and those who think with him right when they allege the possibility of communicating with departed spirits?

Of course, an affirmative reply to No. 3 settles Nos. 1 and 2, but the settlement in the affirmative

of No. 1 or of Nos. 1 and 2 does not by any means imply No. 3.

Not being a scientific man, it is not for me to make a statement regarding the considered opinion of the scientific world on Nos. 1 and 2. No doubt there are two violent camps, as there always have been. Whether we are nearer a scientific solution of these much-debated questions I for one cannot say; but from what I have read I should imagine that nowadays the affirmative of No. 1 has a pretty strong backing, supported by evidence which seems reliable, but that No. 2 is regarded as doubtful and disputable. As for No. 3, I have no comment to make, except that, if any one were to bring such evidence as satisfies Sir Oliver and his friends to me in connection with a business proposition, I should want to look into it very carefully.

THE END.

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Some things that matter

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